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सं० 46]

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No. 46 NEW DELHI, SATURDAY, NOVEMBER 11, 1972/KARTIKA 20, 1894

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य सेवा प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और प्रधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 29th September, 1972

ORDER

S.O. 3824.—WHEREAS the Election Commission is satisfied that Shri Hunta Ram S/o Shri Dhiru Ram, Village Ramgarh Ujalwas, Tehsil Nohar, District Ganganagar, Rajasthan, a contesting candidate for general elections to the House of the people from 3-Jhunjhunu Parliamentary Constituency, held in March, 1971, has failed to lodge the account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. AND WHEREAS the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

3. NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hunta Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/3/71]

By Order,

B. N. BHARDWAJ, Secy.

[5319]

भारत निर्वाचन आयोग

नई दिल्ली, 29 सितम्बर, 1972

प्रादेश

का० आ० 3824.—यह, निर्वाचन आयोग का समाधान हो गया है कि मार्च 1971 में हुए लोक सभा के साधारण निर्वाचन के लिए 3-कुम्हूनू निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हृष्णता राम मुमुक्षु भी धीरराम, ग्राम गमगढ़, उजलबास, नौहर, तहसील, गंगानगर जिला, राजस्थान, सोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्धीन बमाए गए नियमों द्वारा अनेक रीति से भ्रपने निर्वाचन व्यवों का लेखा वालिल करने में असफल रहे हैं;

और यह उक्त उम्मीदवार ने, उसे सम्यक भूचाल दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण प्रयत्न स्पष्टीकरण नहीं है;

अतः प्रब, उक्त भ्रपने की घारा 10-के अनुसरण में निर्वाचन आयोग एन्डूश्यरा उक्त श्री हृष्णता राम को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य बने जाने प्रोत्तरे के लिए इस आदेश की तारीख से तीन वर्ष की कालघट्ट के लिए निरहित घोषित करता है।

[सं० राज०-स०० स०/३/७१]

प्रादेश द्वि,

बी० एम० भारद्वाज, सचिव

New Delhi, the 28th September, 1972

ORDER

S.O. 3825.—WHEREAS the Election Commission is satisfied that Shri Zainul Abaidin, R/o village Barwadih, P.O. Pathalgadda, District Hazaribagh (Bihar), a contesting candidate for bye-election held in 1970 to the Bihar Legislative Assembly from 269-Chatra Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

2. AND WHEREAS, the said candidate even after due notices has not given by reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Zainul Abaidin, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/269/71-Bye(1)]

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 28 सितम्बर, 1972

आदेश

का०सा० 3825.—यह; निर्वाचन आयोग का समाधान हो गया है कि 1970 में प्रादेशिक विहार विधान सभा के उपविधायक के लिए 269 उत्तरा निर्वाचन क्षेत्र से जुनाज लड़ते वाले उम्मीदवार श्री जनुल अबाहीन, प्राय बराड़ीह, पो० प्रा० पाल गहा, जिला हजारी बाग (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अवैधित अपने निर्वाचन अधिकार कोई भी लेजा वाचिल करते में असफल रहे हैं।

ग्राह, यह; उक्त उम्मीदवार ने उसे सम्भव सूचना दिये जाने पर भी, अपनी इस प्रसफलता के लिये कोई कारण अवश्यकरण नहीं दिया है; तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या व्यायौलित्य नहीं है।

अन्तः, यह, उक्त अधिनियम की आरा 10-के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री जनुल अबाहीन को संसद के लिये भी सदन के या किसी राज्य की विधान सभा अवश्य विधान परिषद् के सदस्य चुने जाने और होने के लिये, इस आदेश की तारीख से तीन बर्ष की कालाबधि के लिए निरहित घोषित करता है।

[सं० बिहार-क्रि०स०/269/71-उप (1)]

बी० नागसुदमण्णन, सचिव

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 26th September, 1972

INCOME TAX

S.O. 3826.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961.

INSTITUTION

SOCIETY FOR PREVENTION OF HEART DISEASES
AND REHABILITATION, BOMBAY.

No. 197 [F. No. 203/35/72-ITA. II]

वित्त वंशालय

(राजस्व और शोमा विभाग)

नई दिल्ली, विलाक 28 सितम्बर, 1972

प्रावक्त

का०सा० 3826.—सर्व ताज्जारण की जानकारी के लिए एतद्वारा वह अधिसूचित किया जाता है कि निम्न वित्त तंत्रा मार्गीय विकास अनुसंधान परिषद् विहित प्राधिकारी, द्वारा प्रायःनकर अधिनियम, 1961 की आरा 35 की उपधारा (1) के बंद (ii) में व्योजनाओं के लिए अनुमोदित की गई है।

संस्था

तोसाइटी कार प्रिवेट लिमिटेड एवं रीहाइबिलिटेशन, बम्बई।

सं० 197 (का० सं० 203/35/72-कार्ड-टी० ए० II)

S.O. 3827.—In pursuance of the provisions of item (iv) of paragraph 13 of the Marged States (Taxation Concessions) Order 1949, read with clause (1) of sub-section (2) of Section 297 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Finance (Revenue Division) No. S.R.O. 1620, dated the 14th May, 1954, namely,

In the Table annexed to the said notification, the entries relating to S. No. 81 in Column 2, pertaining to the Palace known as Raj Mahal at Devgarh Baria, sahil be omitted.

No. 198 [F. No. 219/3/70-ITA. II]

T. P. JHUNJHUNWALA, Dy. Secy.

का०सा० 3827.—भारत-कार अधिनियम, 1961 (1961 का 43) की आरा 297 की उपधारा (2) के बंद (1) के साथ पठित विविध राज्य (करांशाम विधायक) द्वारा, 1949 के पैरा 13 की मद (iv) के उपविधियों के अनुसरण में, केन्द्रीय सरकार, भारत सरकार के भूमपूर्व विन गंगासाय (राजस्व प्रभाग) की अधिसूचना सं० का० नि० आ० 1620, तारीख 14 मई, 1954 में एतद्वारा निम्नलिखित संबोधन करती है, प्रर्यातः—

उक्त अधिसूचना के उपाध्यक्ष सारणी में, देवगढ़ वेरिया स्थित राज्य-महल नामक प्रासाद के संबंध में क्रम सं० 81 के सम्में 2 में संशोधन विधियों का नोप किया जाएगा।

सं० 198 का० [सं० 219/3/70-कार्ड टी० ए० II]

टी० पी० शुभमुण्डवाला, उपन्यायि

New Delhi, the 10th October, 1972
INCOME TAX

S.O. 3828.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby authorises the following Officers who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act:

S/Shri

1. Ram Chandra Das
2. Manmatha N. Majumdar
3. Surya Kanta Das
4. Mohit Kumar Mukherjee
5. Atul Ch. Dey
6. Santi Kumar Banerjee
7. Manimoy Mukherjee
8. Narayan Ch. Majumdar
9. Ashok Maity
10. Bimal Bhattacharjee
11. Satyabrata Ghosh
12. Somesh Ch. Chatterjee
13. Amit Kumar Roy
14. Sunil Kumar Mitra
15. Satyandranath Roy
16. Sitangshu Sekhar Moitra
17. S. Mukherjee
18. J. N. Haldar.

2. This Notification shall come into force with immediate effect.

No. 199 [F. No. 404/74/72-ITCC]

B. NIGAM, Under Secy.

नई विलासी, दिल्ली 10 मध्यप्रदेश, 1972

प्राप्तकर

का० ३८२८ आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के बांध (44) के उपबांध^१(iii) द्वारा प्रवत्त सक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित अधिकारियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उनमें अधिनियम के मध्येन कर अद्यतीत अधिकारियों की अविनवीं का प्रयोग करते के लिए एनव्हारा प्राप्तिकृत कराती है:—

सर्व धो

1. रामचन्द्र दाश।
2. मनमथ एन० मधुमेहर।
3. शुभें कामन दाश।
4. मोहिन कुमार मुखर्जी।
5. अनुल चन्द्र दे।
6. शान्ति कुमार बनजी।

(DEPARTMENT OF BANKING)
RESERVE BANK OF INDIA

New Delhi, the 3rd November, 1972

S.O. 3830 :—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 27th day of October 1972

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,25,96,000		Gold Coin and Bullion :		
Notes in circulation	4593,58,04,000		(a) Held in India	182,53,11,000	
Total Notes issued		4619,84,00,000	(b) Held outside India		
			Foreign Securities	196,65,38,000	
				Total	379,18,49,000
			Rupee Coin		31,35,57,000
			Government of India Rupee Securities		4209,29,94,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities	4619,84,00,000		Total Assets		4619,84,00,000

2. यह अधिसूचना तुरन्त प्रकृत होगी।

सं० 199 (फा० सं० 404/74/72-आईटीसी०सी०)

शो० निगम, अवर सचिव

New Delhi, the 4th November, 1972

STAMPS

S.O. 3829.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Standards Mills Company, Limited, Bombay, to pay consolidated stamp duty with which the Convertible Bonds Certificates of the value of two crores of rupees are chargeable under the said Act.

[No. 25/72-Stamps/F. No. 471/44/72-Cus. VII]

K. SANKARARAMAN, Under Secy.

नई विलासी, दिल्ली 4 मध्यप्रदेश, 1972

स्टाम्प

का० ३८२९—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के बांध (ब) द्वारा प्रवत्त सक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टैण्डर्ड मिल्स कम्पनी लिमिटेड, बम्बई को समेकित स्टाम्प युक्त का, जो वो करोड़ रुपए मूल्य के संपरिवर्तनीय बंध प्रमाणपत्रों पर उससे अधिनियम के अधीन ज्ञात है, भुगतान करने के लिए एनव्हारा अमुका देती है।

(सं० 25/72-स्टाम्प/का० न० 471/44/72-सीमा VII)

के० शक्तरामन, अवर सचिव

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 27th October 1972

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	26,25,96,000
		Rupee Coin	3,14,000
Reserve Fund	150,00,00,000	Small Coin	2,72,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000	Bills Purchased and Discounted :— (a) Internal	1,27,82,000
		(b) External	..
National Agricultural Credit (Stabilisation) Fund	45,00,00,000	(c) Government Treasury Bills	252,02,83,000
		Balances Held Abroad*	152,50,74,000
		Investments**	481,24,63,000
National Industrial Credit (Long Term Operations) Fund	175,00,00,000	Loans and Advances to :— (i) Central Government	..
		(ii) State Governments @	37,77,00,000
Deposits :—		Loans and Advances to :— (i) Scheduled Commercial Banks†	6,72,95,000
(a) Government		(ii) State Co-operative Banks††	210,34,22,000
(i) Central Government	53,47,61,000	(iii) Others	3,28,77,000
(ii) State Governments	10,55,92,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :— (i) State Governments	53,63,66,000
(b) Banks		(ii) State Co-operative Banks	21,01,98,000
(i) Scheduled Commercial Banks	281,39,84,000	(iii) Central Land Mortgage Banks	..
(ii) Scheduled State Co-operative Banks	10,95,91,000	(iv) Agricultural Refinance Corporation	7,00,00,000
(iii) Non-Scheduled State Co-op- erative Banks	1,01 21,000	(b) Investment in Central Land Mortage Bank	10,87,75,000
(iv) Other Banks	27,27,000	Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	29,13,04,0000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
(c) Others	98,99,68,000	(a) Loans and Advances to the Development Bank	93,06,94,000
Bills Payable	59,57,00,000	(b) Investment in bonds/debentures issued by the Development Bank	..
Other Liabilities	321,68,42,000	Other Assets	35,68,71,000
Rupees	1421,92,86,000	Rupees	1421,92,86,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

†Includes Rs. 50,00,000/- advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

[No. F. 1/3/72-BOJ]

(वैकिंग विभाग)

रिजर्व बैंक ऑफ इंडिया

नई दिल्ली, 3 नवम्बर, 1972

कां. आ० 3830:- रिजर्व बैंक ऑफ इंडिया, अधिनियम, 1934 के प्रत्युत्तर में अक्टूबर 1972 की 27 तारीख को समाप्त हुए भत्ताहु के लिये लेखा
इस विभाग

देयतायें	रुपये	रुपये	आस्तियां	रुपये	रुपये
वैकिंग विभाग में रखे हुये नोट	26,25,96,000		सोने का मिक्का और चुनियनः—		
			(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट . . .	4593,58,04,000		(ख) भारत के बाहर रखा हुआ	..	
			विवेशी प्रतिभूतियां	196,65,38,000	
जारी किये गये कुल नोट		4619,84,00,000	जोड़		379,18,49,000
			रुपये का मिक्का		31,35,57,000
			भारत सरकार द्वारा रुपया प्रति-		
			भूतियां	4209,29,94,000	
			देणी विनिमय विल और	..	
			दूसरे वाणिज्य-पत्र	..	
कुल देयतायें	4619,84,00,000		कुल आस्तियां		4619,84,00,000

27 अक्टूबर, 1972 को रिजर्व बैंक ऑफ इंडिया के वैकिंग विभाग के कार्यकलाप का विवरण

देयतायें	रुपये	आस्तियां	रुपये
1	2	3	4
चुकता पूँजी . . .	5,00,00,000	नोट	26,25,96,000
प्रारंभिक निधि	150,00,00,000	रुपये का मिक्का	3,14,000
राष्ट्रीय कृषि ऋण		छोटा मिक्का	2,72,000
(शोधकालीन क्रियाएं) निधि	209,00,00,000	खराए और भुताये गये विल	1,27,82,000
राष्ट्रीय कृषि ऋण		(क) देशी	
(स्थरीकरण) निधि	45,00,00,000	(ख) विवेशी	..
राष्ट्रीय प्रौद्योगिक ऋण		(ग) सरकारी खजाना विल	252,02,83,000
(शोधकालीन क्रियाएं) निधि	175,00,00,000	विदेशों में नवा हुआ बकाया	152,50,74,000
जमाएशियां:—		निवेश**	481,24,63,000
(क) सरकारी		ऋण और अधिगम:—	
(i) केन्द्रीय सरकार	53,47,61,000	(i) केन्द्रीय सरकार को	..
(ii) राज्य सरकारें . . .	10,55,92,000	(ii) राज्य सरकारों को (र)	37,77,00,000
(ग) बैंक		ऋण और अधिगम	
(i) प्रनुभूति वाणिज्य बैंक	281,39,84,000	(i) प्रनुभूति वाणिज्य बैंक को	6,72,95,000
(ii) प्रनुभूति राज्य सहकारी बैंक	10,95,91,000	(ii) राज्य सहकारी बैंकों को (ी)	210,34,22,000
(iii) और प्रनुभूति राज्य सहकारी बैंक	1,01,21,000	(iii) दूसरों को	3,28,77,000
(iv) अर्थ बैंक	27,27,000	राष्ट्रीय कृषि ऋण (शोधकालीन क्रियाएं) निवेश से ऋण अधिगम और निवेश	
		(क) ऋण और अधिगम:—	
		(i) राज्य सरकारें को	53,63,66,000
		(ii) राज्य सहकारी बैंकों को	21,01,98,000
		(iii) केन्द्रीय भूमिकान्धक बैंकों को	..
		(iv) कृषि पुनर्वित नियम को	7,00,00,000

1	2	3	4
(ग) अम्ब	98,99,68,000	(च) केन्द्रीय सूमित्राधक बैंकों के छिपेचरों में निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिकम	10,87,75,000
देश बिल	59,57,00,000	राज्य सहकारी बैंकों को ऋण और अधिकम राष्ट्रीय शोधो- गिक ऋण (वीर्धकालीन क्रियाएँ) निधि से ऋण, अधिकम और निवेश	29,13,04,000
अन्य बैंकों	321,68,42,000	(क) विकास बैंक को ऋण और अधिकम (ब) विकास बैंक हारा जारी किये गये बांडों/छिपेचरों में निवेश	93,06,94,000
		अन्य प्राप्तियाँ	35,68,71,000
रुपये	1421,92,86,000	रुपये	1421,92,86,000

*नकदी, प्रावधिक जमा और अल्पकालीन प्रतिशूलियाँ शामिल हैं।

**राष्ट्रीय कृषि ऋण (वीर्धकालीन क्रियाएँ) निधि और राष्ट्रीय शोधोगिक ऋण (वीर्धकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (वीर्धकालीन क्रियाएँ) निधि से प्रवत ऋण और अधिकम शामिल नहीं है।

†रिजर्व बैंक भाफ इंडिया अधिनियम की धारा 17(4) (ग) के अधीन अनुसूचि वाणिज्य बैंकों को मीयावी खिलों पर अधिकम दिये गये 50,00,000/-
रुपये शामिल है।

‡राष्ट्रीय कृषि ऋण (वीर्धकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रवत ऋण और अधिकम शामिल नहीं है।

[म० फ० 1/3/72-भी० घो० I]

एस० जगद्वालन, सचिव

दिनांक 1 नवम्बर, 1972

DELHI DEVELOPMENT AUTHORITY

NOTIFICATION

New Delhi, the 11th November, 1972

S.O. 3831.—WHEREAS the Delhi Development Authority has proposed to make following modifications in the Master Plan for Delhi:—

MODIFICATION

In paragraph 5, entitled "Provisions regarding requirements in Use Zones" occurring in section A (Zoning Regulations) of Chapter II of the text of the Master Plan dealing with the Zoning and Sub-Division Regulations—

(1) At page 55, against item "(b) plot coverage under the heading "Residential Use Zone", notes (1) and (2) shall be substituted by the following, namely:—

NOTE: The area to be covered need in no case be less than the permissible covered area for the largest size plot in lower category. For example, the area to be covered in a plot of 1028.44 sq. meter (1230 sq. yds.) will be 40 per cent of 1003.36 sq. meter (1,200 sq. yds.) i.e. 401.34 sq. meter (480 sq. yds.) and not 1/3rd of 1028.44 sq. meter (1,230 sq. yds.) which is only 342.81 sq. meter (410 sq. yds.)."

(2) At page 56 against the heading "(c) Floors" for the sentence "In individual plots, exceeding 167.23 sq. meters (200 sq. yds.) a two-storeyed building raised on stilts may be permitted, provided the enclosed area on the ground floor does not exceed 25 per cent of the permissible covered area on the first floor," the following sentence shall be substituted, namely:—

"In individual plots exceeding 167.23 sq. meter (200 sq. yds.) a building raised on stilts may be permitted provided the stilts floor shall be treated as one of the main floors of the building".

The proposed modifications having been published as notice No. S.O. 5121, dated the 13th November, 1971 at page 6026 of the Gazette of India, Part II Section 3—Sub-

section (ii) as required by sub-section (3) of section 11-A of the Delhi Development Act, 1957 (61 of 1957) inviting objections and suggestions;

AND WHEREAS the Delhi Development Authority has considered the objections and suggestions in regard to the modification mentioned above.

NOW THEREFORE, the Delhi Development Authority, in exercise of the power conferred by Sub-section (1) of section 11-A of the said Act hereby makes the above modifications in the said Master Plan for Delhi.

[No. F3(186)70-M.P.]

H. N. FOTEDAR, Secy.

दिल्ली विकास प्राधिकरण

प्रधिकरण

दिल्ली, 11 नवम्बर, 1972

का०फा० 3831—यद्यपि दिल्ली विकास प्राधिकरण ने दिल्ली मुख्य योजना में निम्नलिखित मंशोधन करने का प्रस्ताव किया है:—

संशोधन

मुख्य योजना के अंतर्गत नथा सब-ट्रिभीजन नियमों से संबंधित प्रश्नाय के परिणाम II (शोक्तीय नियमों) की धारा 4 में "यूज ओफस की प्रावधानकालीनों के संबंध में व्यवस्थाएँ" के शोर्पेक के पैरा 5 में:—

(1) पृष्ठ 55 पर मद "(बी)" प्रावधानीय उपयोग क्षेत्र के शोर्पेक के अन्तर्गत भूखण्ड के लिये, नोट्स (1) नथा (2) को निम्न प्रकार रखा जायेगा :—

नोट:—निम्न श्रेणी में बड़े आकार के भूखण्ड के लिये स्वीकृत पटाव क्षेत्र से किसी भी स्थिति में पटाव क्षेत्र कम नहीं होना चाहिए। उदाहरण: 1028.44 व०मी० (1230 व०ज०) के भूखण्ड में 1003.36 व०मी० (1200 व० गज) का

New Delhi, the 10th October, 1972

ORDER

S.O. 3834.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of B.R.Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited, and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication.

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No.1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

I.Whether the action of the management of B.R. Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited in stopping the following workmen from work with effect from the 26th October, 1971, is justified ? If not, to what relief are the concerned workmen entitled

S.No.	Name of the workmen	Designation
1.	Shri Chatu Bauri	Quarry Miners.
2.	Shri Jagadish Bauri	-do
3.	Shri Dukhi Bauri	-do
4.	Shri Anil Bauri	-do
5.	Shri Magan Bouri	-do-
6.	Shri Madan Bauri	-do-
7.	Shri Matal Bauri	-do-
8.	Shri Kamala Bauri	-do-
9.	Shrimati Kunti Kamin	Quarry Loader
10.	Shrimati Sumi Kamin	-do-
11.	Shrimati Gandhari Kamin	-do-
12.	Shrimati Upashi Kamin	-do-

II. Whether the action of the management of B.R.Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited in stopping Shri Badri Kumhar, Night Guard from work with effect from the 26th October, 1971 is justified ? If not, to what relief is the concerned workmen entitled ?"

[No.L/2012/46/72-LR-II.]

नई शिल्पी, 10 अक्टूबर, 1972

आदेश

का० आ० 3834:—मत: भौत्रीय सरकार की राय है कि इससे उपराज अमुखी में विनियोग विषयों के बारे में वी० आ० रामकनाली कोलियरी, डाकघर कलरास, जिला धनबाद, जो इस समय भारत सरकार कोलिंग कोल सिमिटेच के प्रबन्धताल के प्रधीन है, के प्रबन्धताल से सम्बद्ध विवेकार्थी और उनके कर्मकारों के बीच एक भौत्रीय विवाद विद्यमान है;

झोर यत: भौत्रीय सरकार उक्त विवाद को न्यायिक्यन के लिए निर्विचित करना चाहती है;

मत: ग्रब, भौत्रीय विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के अन्त (d) धारा प्रदत्त कर्मकारों का प्रयोग करते हुए, भौत्रीय सरकार एवं द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के प्रधीन गठित केन्द्रीय सरकार भौत्रीय विविकण, (संभवा 1) धनबाद को न्यायिक्यन के लिए निर्विचित करती है।

अमुखी

"1. क्या वी० आ० रामकनाली कोलियरी, डाकघर कलरासगढ़ जिला धनबाद, जो इस समय भारत कोलिंग कोल सिमिटेच के प्रबन्धताल के प्रधीन है, के प्रबन्धताल की, 26 अक्टूबर, 1971 से, निम्नलिखित कर्मकारों को काम से रोकने की कार्यवाही न्यायोनित है? यदि नहीं, तो सम्बन्धित कर्मकार किस प्रमुखों के हकदार हैं?

क्र सं०	कर्मकार का नाम	पदनाम
1.	श्री चतु बाउरी	खदान अनक
2.	श्री जगदीश बाउरी	यथोक्त
3.	श्री दुष्टी बाउरी	यथोक्त
4.	श्री अनिल बाउरी	यथोक्त
5.	श्री मगन बाउरी	यथोक्त
6.	श्री मदन बाउरी	यथोक्त
7.	श्री मतल बाउरी	यथोक्त
8.	श्री कमल बाउरी	यथोक्त
9.	श्रीमती कुम्ही कामिन	खदान सोडर
10.	श्रीमती सुमी कामिन	यथोक्त
11.	श्रीमती गन्धारी कामिन	यथोक्त
12.	श्रीमती उमाशी कामिन	यथोक्त

II. क्या वी० आ० रामकनाली कोलियरी, डाकघर कलरासगढ़, जिला धनबाद, जो इस समय भारत कोलिंग कोल सिमिटेच के प्रबन्धताल के प्रधीन है, के प्रबन्धताल की, 26 अक्टूबर, 1971 से, श्री बद्री कुम्हार, राति जीविवार को काम से रोकने की कार्यवाही न्यायोनित है? यदि नहीं, तो सम्बन्धित कर्मकार किस प्रमुखों का हकदार है?

[सं० ए०/2012/46/72—एल०आर०-II]

New Delhi, the 12th October, 1972

ORDER

S.O. 3835:—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Lodna Colliery Company (1920) Limited, post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Govern-

ment Industrial Tribunal (No.1) Dhanbad constituted under section 7A of the said Act,

SCHEDULE

Whether the action of the management of Messrs Lodna Colliery Company, Post Office Jharia, District Dhanbad, in dismissing Shri Awadhesh Tiwary, Dust-in-charge, with effect from the 29th March, 1971 is justified? If not whether the workman has a claim to be taken back in service by Messrs Bharat Coking Coal Limited, Dhanbad, in whom now the management of Lodna Colliery vests? To what relief is the workman entitled to?

[No.L-2012/196/71-LRII.]

मई दिल्ली, दिनांक 12 म्रम्तूवर, 1972

आदेश

का० आ० 3835:—यतः केन्द्रीय सरकार की राय है कि इसे उपावद अनुसूची में विनिविष्ट विषयों के बारे में मैसर्स लोदना कोलियरी कम्पनी (1920) लिमिटेड, डाकघर झस्तिया, जिला धनबाद, के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ग्रौथोगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहिये समझती है;

यतः, ग्रब, ग्रौथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एस्टेट्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार ग्रौथोगिक अधिकारण, (संख्या 1) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स लोदना कोलियरी कम्पनी, डाकघर झस्तिया, जिला धनबाद के प्रबन्धतंत्र की, डस्ट-एंजार्ज, श्री अवधेश तिवारी का 29 मार्च, 1971 से पदव्युत करने की कार्रवाई न्यायोचित है? यदि नहीं, तो क्या कर्मकार का, भारत कोर्किंग कोल लिमिटेड, धनबाद, जिस में प्रबलोदना कोलियरी निहित हो गई है, द्वारा वापस लिए जाने का वादा है? कर्मकार किस अनुतोष का हक्कार है?

[संख्या एन०/2012/196/71—एल०आर०-2]

ORDER

S.O. 3836:—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dhansar Colliery of Messrs The Pure Dhansar Coal Company, Post Office Dhansar, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government consider it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby

6 G of I/72-2.

refers the said dispute for adjudication to the Central Government Industrial Tribunal (No.2) Dhanbad constituted under section 7A of the said Act,

SCHEDULE

Whether the action of the management of Dhansar Colliery of Messrs Dhansar Coal Company, Post Office Dhansar, District Dhanbad in terminating the services of Shri Pokhan Singh, Trammer with effect from the 7th April, 1972, is justified? If not, to what relief is the workman entitled?

[No,L2012/75/72LR-II]

आदेश

का० आ० 3836:—यतः केन्द्रीय सरकार की राय है कि इससे उपावद अनुसूची में विनिविष्ट विषयों के बारे में मैसर्स वि प्योर धनसार कोल कम्पनी की धनसार कोलियरी, डाकघर धनसार, जिला धनबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ग्रौथोगिक विवाद विद्यमान है;

प्रौढ़ यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहिये समझती है;

यतः, ग्रब, ग्रौथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एस्टेट्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार ग्रौथोगिक अधिकारण (संख्या 2), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स धनसार कोल कम्पनी की धनसार कोलियरी, डाकघर धनसार, जिला धनबाद के प्रबन्धतंत्र की, श्री पोडवन सिंह, द्रमर की सेवाओं की 7 अप्रैल, 1972 से समाप्त करने की कार्यवाई न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हक्कार है?

[संख्या एल०एल०आर०-2]

New Delhi, the 13th October, 1972

ORDER

S.O. 3837.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dhansar Colliery of Messrs The Pure Dhansar Coal Company, Post Office Dhansar, District Dhanbad and their workmen in respect of the matter specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Central Bank of India, in not allowing Shri S. K. Berry of Civil Lines Branch, Amritsar to work as Teller with effect from the 14th February, 1972 is justified? If not, to what relief is he entitled?

[No. L. 12012/87/72/LRIII]

दिनांक, 13 नवंबर, 1972

आवेदा

मा०प्रा० 3837—पत: केन्द्रीय सरकार की राय है कि इसमें उपावच्च मनुस्त्री में विनिर्दिष्ट विधयों के बारे में सेन्ट्रल बैंक आफ इण्डिया से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक भौद्योगिक विवाद विद्यमान है।

और यह: केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना बाल्छनीय समझती है।

प्रत: अब, भौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (i) के अप्प (अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनवॉरा उक्त विवाद को उक्त प्रधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार भौद्योगिक प्रधिकरण, दिल्ली को न्यायनिर्णय के लिए निर्देशित करती है।

मनुस्त्री

यह सेन्ट्रल बैंक आफ इण्डिया के प्रबन्धतत्त्व की, श्री एम० के० बेरी, सिविल लाइन्स शास्त्रा, अमृतसर को 14 फरवरी, 1972 से गणक के रूप में काम करने वेने की कार्रवाई न्यायोचित है? यदि नहीं, तो वह किस प्रत्योष का हकदार है?

[मा०प्रा० 12012/87/72/एल भार 3]

करीत सिंह, अवर सचिव

The 1st November, 1972

S.O.3838.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Post Office Kothagudem (Andhra Pradesh) and their workmen, which was received by the Central Government on the 23rd October, 1972.

(AWARD)

[No. 7/29/68-LRII.]

Karnail Singh, under Seal

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

Present : Shri P.S. Anath, B. Sc., B.L., Chairman,
Industrial Tribunal, (C),
Andhra Pradesh, Hyderabad.

Industrial Dispute No. 22 of 1969

BETWEEN

Workmen of Singareni Collieries Company Limited, Kothagudem.

AND

Management of Singareni Collieries Company Limited,
Kotlagudem.

APPEARANCES

Shri M. Komaraiah, General Secretary, Singareni Collieries Workers' Union.

Shri A. Lakshmana Rao, Advocate, for Andhra Pradesh Singareni Colliery Mazdoor Sangh.

Shri K. Srinivasa Murthy, Hon. Secretary, Federation of A.P. Chamber of Commerce and Industry for management.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by its Order No. 7/29/68-LRII, dated 11-8-1969 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act) for adjudication to this Tribunal, namely:—

"Having in view of the definitions of "Basic Wages" as per paragraphs 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme, 1952 and having in view of the recommendations of the Central Wage Board for Coal Mining Industry at Chapter XIII, whether the management of Singareni Collieries Company Limited, Kothagudem are justified in excluding wages for the sick leave of the employees for purpose of calculating quarterly bonus? If not to what relief are the workmen entitled?"

This reference was taken on file as Industrial Dispute No. 22 of 1969 and notices were issued to the parties. For the purpose of convenience the workmen of Singareni Collieries Company Limited, Kothagudem are referred to as the petitioners and the Singareni Collieries Company Limited, Kothagudem is referred to as the respondent in the course of this award.

2. Some of the petitioners are represented by Singareni Collieries Workers Union, Kothagudem and some are represented by Andhra Pradesh Singareni Colliery Mazdoor Sangh, Kothagudem and it is only these two Unions which have filed the claims statements. It is seen that some of the workers are also represented by Singareni Colliery Mazdoor Sangh, Kothagudem but no such Union has filed any claims statement.

3. The General Secretary of the Singareni Collieries Workers Union, Kothagudem (hereinafter referred to as the said Union) filed the claims statement contending as follows: The definition of Basic earnings under paragraph 2(b) and para 6 under heading amount of Bonus of the Andhra Pradesh Coal Mines Bonus Scheme 1952 means the total cash emoluments whether earned while on duty or while on leave with pay. The amount of bonus payable to an employee in respect of the quarter ending 30-9-1967 shall be 1/3rd of his basic earnings for work done in that quarter upto 14-8-1967 in a Coal Mine where he qualifies for bonus and ten per cent of this basic earnings for the subsequent period of the quarter, and the amount of bonus payable to an employee in respect of a quarter subsequent to the quarter ending 30-9-1967 shall be 10% of the basic earnings of the employee for work done in that quarter in the coal mines where he qualifies for bonus. The basic wage portion of wage paid to an employee for paid holidays and leave with wages in such period of quarter shall also count towards basic earnings for the purpose of calculation of bonus. This above definition of basic earnings is quite clear and unambiguous to show that leave with wages earned on sick leave does not fall under excluded category like allowances etc. The contention of the workmen is that the basic earnings earned by the workmen while they were on sick leave with pay should be treated as basic earnings for the purpose of calculation bonus under the Bonus Scheme. The words "work done" used in para 6 was wrongly interpreted by the management saying that the workmen have not done in that particular period when they were on sick leave with pay and so they are not entitled

to bonus on the basic earnings of the sick leave with pay. The management of Singareni Collieries Co. Ltd., in contravention of the above definition have been excluding the basic portion of the earnings earned by workmen while they were on sick leave with pay for the purpose of calculating bonus. The management issued circulars dated 17-6-1968 and 24-7-1968 stating that the basic portion of sick leave with pay should not be included for the purpose of calculating bonus and that the said clarification shall have retrospective effect and that the amounts already paid towards quarterly bonus on account of sick leave might be recovered. There are two sets of leaves granted to the workmen. Under one set of rules certain monthly paid workmen are granted 30 days privilege leave and 30 days sick leave and 10 days casual leave in a year and these privileges are in existence since 1949 and before. Under another set of rules other workmen both daily rated and monthly rated are given annual leave with wages known as earned leave under Mines Act. In addition, sick khoraki to the extent of 14 days was paid to them as per the Award of All India Industrial Tribunal (Colliery Disputes), as modified by the Labour Appellate Tribunal. Both sets of leave rules are in force since more than 15 years. The Coal Mines Bonus Scheme was in force from 1949 onwards and bonus was being calculated on the total basic earnings including sick leave with pay. The recommendations of the Central Wage Board for Coal Mining Industry have come into effect from 15-8-1967. In their recommendations under the heading "Leave" they dealt with different kinds of leave including sick leave. In view of the clear cut expression in the Wage Board recommendations stating that all workmen shall be entitled to 15 days sick leave in the year on full pay or 30 days in a year on half pay and that the provisions for sick leave would replace the existing facilities of sick khoraki, the sick leave with pay granted to the workmen as per the Wage Board should be treated as leave with pay for the purpose of calculating bonus as defined in paragraph 2(b) of the Bonus Scheme. So the management should be directed to include the sick leave with pay in the total basic emoluments for the purpose of calculation of quarterly bonus.

4. The General Secretary of the Andhra Pradesh Singareni Colliery Mazdoor Sangh, Kothagudem (hereinafter referred as to the said Mazdoor Sangh) filed claims statement contending as follows:—The management of Singareni Collieries Company Limited has excluded the wages for sick leave of the employees for the purpose of calculating quarterly bonus immediately after the recommendations of the Wage Board were implemented by them unilaterally. The action of the management in not calculating the sick leave wages is illegal, unfair and contrary to the existing labour laws. The sick leave with wages is as per the recommendations of the Wage Board which is given to the workmen as a social amelioration and so it should be included in the quarterly bonus. Clause 2 of the Andhra Pradesh Coal Minse Bonus Scheme defines the basic earnings which means the total cash emoluments, whether earned while on duty or while on leave with pay as such the sick leave with wages comes under the definition of basic earnings and so it should be included in cash for the bonus payment. Even as per clause 6 of the Bonus Scheme it is clear that the sick leave wages could be taken into account for the purpose of bonus. Prior to the Wage Board recommendations the coal mines were getting sick khoraki which is now replaced by the wage board as sick leave with wages

and so it comes under the definition of the basic earnings. The action of the management in not taking into account the sick leave with wages for purpose of calculating quarterly bonus is most unfair and contrary to the provisions of the labour laws. So the management should be directed to include the sick leave with wages for calculating the quarterly bonus.

5. The respondent file a "counter" contending as follows: The Unions demand that the basic portion of the sick leave wages should be taken into account for the purpose of calculating Attendance Bonus is not justified. The Unions allegation that such a practice was in existence prior to the implementation of the Wage Board recommendations is denied. At no time in the history of the Collieries the basic portion of the sick leave wages was being added for the purpose of calculating Attendance Bonus. Prior to the abolition of the concessional supply of food grains in 1956 there was a practice in the Singareni Collieries for allowing certain free issue of rations and nonration articles to the dependants of workers undergoing treatment in the Hospitals, the patient himself getting free diet. Consequent upon this stoppage, there was a request from the Unions that suitable relief should be allowed. As a result of protracted discussions, a Memo of settlement was arrived at on 14-2-1957. As per the settlement it was agreed that in all cases of in-patients they would be eligible for free diet as prescribed from time to time as per the scale of supply of batta (the scale of supply of batta is mentioned in detail in the counter). It was also agreed in the settlement that in cases of those who are made unfit for work and are given outpatient treatment, batta should be allowed on the same scale. It was also agreed that in respect of monthly rated staff drawing a basic not exceeding Rs. 150/- p.m. and who were eligible for 14 days leave in a year should be given similar facilities. The Coal Award, which came into operation on 26-5-1956 and the decision of Labour Appellate Tribunal did not talk anything about sick khoraki to dependants or sick leave to workers. During 1961 Shri Das Gupta awarded that sick khoraki at half the workmen's wages (basic plus D.A.) should be granted for a period of 14 days in a year and that in case of workers who were granted for more than 14 days they would continue to enjoy the extra benefits subject to the condition that for the period beyond 14 days, the rate of sick Khoraki would be on the existing scale. In accordance with the award the procedure referred to in the counter was laid down with effect from 1-6-1961. From that time batta that was being paid in the hospital was only on production of a certificate from the department concerned showing that sick Khoraki at the rate of half pay has been availed of to the extent of 14 days. This payment of sick khoraki was in force till 14-8-1967. The Wage Board while recommending sick leave to the workmen in paragraph 14 of the Chapter XIII stated that all workmen shall be entitled to 15 days sick leave in a year on full pay or 30 days in a year at half pay with a right to the workmen to accumulate sick leave for a period of 60 days and 120 days respectively in the entire period of service. It also recommended that the sick leave shall be availed of only for illness beyond 24 hours duration. The Andhra Pradesh Coal Mines Bonus Scheme has come into force in 1952 as per

notification No. SRO. 1705 dt. 4-10-1952. The term "Basic earnings" is defined under clause 2(b) of the said Scheme. Clause 6 of the said Scheme deals with the amount of bonus. In accordance with these provisions of the said Scheme the Management are not taking into account the basic portion of the sick leave wages for the purpose of calculation on attendance bonus as sick leave is in no way linked with the work done. Sick leave is not earned leave and as such the basic portion of the same cannot be said to be basic earnings. Leave with wages, which is a statutory leave, is an earned depending on the muster put in by the workmen in the preceding calendar year and unless he earned the leave with wages, he will not be eligible to avail the same. What is contemplated under the Scheme is taking into account the statutory leave. The Management has not brought out any change in respect of calculation of the basic content of the wages for computation of bonus, after the implementation of the Wage Board recommendations and the procedure followed is in conformity with the provisions of Bonus Scheme. As regards the allegations that the Management has stopped the calculation of the basic content of the sick leave wages, it is only for certain old monthly rated workers who were eligible for extra leave facilities like 30 days privilege leave and 30 days sick leave etc. that the basic portion of sick leave was accounted for the purpose of quarterly bonus. Such number of workmen are very few and they have become eligible for such liberalised leave facilities by virtue of their service in the monthly grade prior to the coming into force of the Jadav Committee recommendations in 1949. As stated in paragraph 14 of Chapter XIII of the Wage Board recommendation sick leave recommended by the Wage Board would replace the existing facilities of sick Khoraki. As the said workmen were enjoying better sick leave, they were allowed to continue the same but as far as the calculation of bonus is concerned, they should be one alongwith the rest of the workmen. As such at the time of implementation of the Wage Board Recommendations, this anomaly was rectified as they are not eligible for the same under the provision of the scheme. The Unions cannot demand a general change in the policy on the analogy of few workmen who are enjoying better leave facilities. The contention of the Unions that the Wage Board classified leave into privilege leave, casual leave, sick leave, paid festival holidays and leave with pay and that sick leave with pay also should therefore be treated as leave with wages for bonus does not carry any weight since the Bonus Scheme has specifically provided that the basic earnings of an employee should be related to the work done and it has also specifically provided that statutory leave with wages and paid holidays should only be reckoned for calculation of quarterly bonus. Similar bonus schemes with the same provisions are in force all over the Collieries in the country and every where the basic portion of the earnings which relate to work done are only counted for purpose of quarterly bonus. Sick leave is in no way linked with the work done and as such the basic portion of sick leave wages is nowhere included. Singareni Collieries cannot be singled out in this respect. The action of the management is legal and justified and it is in conformity with the provisions of law and the practice prevailing in other Collieries.

6. The dispute that is referred to this Tribunal for adjudication is having in view the definition of basic wages as per paragraph 2(a) and 6 of the Andhra Pradesh Coal Mines Bonus Scheme 1952 and having in view the recommendations of the Central Wage Board for Coal Mining Industry at Chapter XIII,

whether the Management of Singareni Collieries Company Limited, Kothagudem are justified in excluding wages or the sick leave of the employees for the purpose of calculating quarterly bonus.

7. The relevant facts as gathered from the evidence and the documents may be briefly stated. The Andhra Pradesh coal Mines Bonus Scheme was framed in 1952 (hereinafter referred to as the Bonus Scheme) by the Central Government in exercise of the powers conferred by Section 5 of the Coal Mines Provident Fund and Bonus Scheme Act 1948. It is common ground that this scheme is being followed by the respondent so far as its collieries are concerned. While calculating the quarterly bonus previously the respondent was taking into consideration the basic earnings inclusive of the sick leave with pay. After the recommendations of the Central Wage Board for Coal Industry were implemented by the respondent, it issued the Circulars the originals of Ex. W. 1 dated 17-6-1968 and Ex. W. 2 dated 24-7-1968. A perusal of Ex. W. 1 shows that in that Circular it was clarified that as sick leave is in no way linked with work done, the basic portion of such payment should not be included for the purpose of calculating bonus. A perusal of Ex. W. 2 shows that a reference was made about the circular the original of Ex. W. 1 and it was also made clear that the effect of that circular is retrospective and the respondent also under that circular directed that the amounts already paid towards quarterly bonus on account of sick leave may also be recovered. It is in view of these circulars the petitioners raised the dispute. Now the point that arises for a decision in this dispute is whether the basic portion of sick leave with pay should also be included under the definition of the basic earnings for the purpose of calculating the quarterly bonus.

8. So far as granting of sick leave by the respondent company is concerned, the parties have lot in some evidence as to the nature of the leave that is being granted. W.W. 1 (I. Surya Rao) is working as a Clerk in the Head Office. He says that there are two classes of employees working in the Head Office, that one class of employees who were appointed prior to 1949 were given 10 days casual leave, 30 days sick leave and 30 days privilege leave in a year with pay, that this is in respect of monthly rated employees, that persons who were appointed subsequent to 1-7-1949 are given leave according to the provisions of the Mines Act, that is, for every 20 working days one would be entitled to one day earned leave as surface employee and for underground workers earned leave is granted at one day for every 16 working days and that this privilege is given to both monthly rated and daily rated employees. He also says that prior to 15-8-1967 there was the practice of sick khoraki and that this sick khoraki allowance was 14 days with half pay. W.W. 2 (Amir Khan) is a clerk working under the respondent. He says that they were having sick leave for 30 days in a year even after the implementation of the Wage Board recommendations, that till 1967 bonus was paid for those days, i.e., from 1948 till the end of 1967 and that they were not paid like that in 1968. He says that in the office of the Managing Director of the Singareni Collieries Company Limited, the employees working in that office are paid bonus even for those 30 days even now, and that even the workers who were entitled to 15 days sick leave are also paid bonus for those days even now. He also says that persons employed prior to July 1949 are given the benefit of 30 days of sick leave and others who were employed subsequent to July 1949 were entitled to

14 days leave and sick khoraki. W.W. 3 (B. Pochaiah) is working as a peon under the respondent. He says that prior to the implementation of the Wage Board recommendations they had 14 days sick leave, that the bonus was calculated for those 14 days also and that even now they are entitled only to the same number of days as sick leave and that bonus is calculated for those 14 days also. He also says that from 1959 sick khoraki allowance was first introduced in the company and that it is only after the implementation of the Wage Board recommendations that sick leave as such was introduced.

9. M.W. 1 (M. Ranganadham) is working as Cost Accounts Officer since 21-3-1972 and prior to that he was working as Assistant Costs Accountant from 1964 and prior to 1964 he worked as Head Clerk and in other various capacities according to him. He speaks about the procedure that is followed for calculating the quarterly bonus under the bonus scheme and about the qualifications that are required for earning attendance bonus and earned leave. He says that prior to wage board there was sick leave called sick khoraki, that this leave is to be given for 14 days with half pay, that this leave was given like that from 1961 onwards, that prior to 1961 batta used to be paid to the family members of the worker in case he was admitted as inpatient in the hospital that after 1961 if the worker was on sick leave for more than 14 days then he was being paid batta in kind according to some fixed scale for the days beyond 14 days, that the wage board recommended 30 days of sick leave on full pay and that the wage board had observed that this leave is in replacement of the sick khoraki. He also says that out of 30,000 workers in the collieries as a whole, that out of them 300 workers who were appointed prior to 1949 have got different privileges of leave and that the rest of the workers are governed by the Mines Act Leave Rules. According to him earned leave is linked with work done, whereas sick leave is not linked with work done. He says that from 1949 July till the Wage Board's recommendations were implemented from 15-8-1967, bonus was also being paid on 1/3rd of the basic earnings of the sick masters only for those who were appointed prior to 1949 but not to those who were appointed after 1949. He also says that after the Wage Board recommendations bonus was also being paid both to daily rated and monthly rated workers on sick leave also till July 1968 and that afterwards it was stopped because sick leave is not related to the work done and that the management issued a circular to recover the bonus paid subsequent to the Wage Board. The circular referred to by him is the original of Ex. W. 2. He also says that the workers in the Managing Director's office at Kotagudem and Hyderabad are getting bonus on the basic earnings of sick leave till the date of his deposing in this case. He also says that sick leave will be granted if the workmen bring a doctor's certificate and that the workers are given 15 days sick leave on full pay now.

10. M.W. 2 (U. Shivaraj) is working as Senior Inspector at the company's Head Office at Kothagudem. He also speaks about the conditions under which quarterly bonus is paid and also about the conditions under which earned leave and sick leave are granted. He says that for some monthly rated staff there was sick leave given originally and that they were those appointed prior to July 1949, that their number was only about 300 to 350, that those persons were given 30 days sick leave with pay, that remaining persons out of those persons are being given 30 days sick leave whereas those who were recruited after July 1949 were not given any sick leave with wages till 1961, that Ex. M. 1 is the copy of the list of the remaining monthly

rated workers out of the 300 or 350 workers who were recruited prior to July 1949 and that from 1961 the other workmen were given 14 days sick khoraki with half wages till August 1967, that from August 1967 they are being given 15 days of sick leave with full wages or 30 days sick leave with half wage, that this sick leave is being given subsequent to the Wage Board, that this sick khoraki upto August 1967 and 15 days of sick leave with full wages or 30 days sick leave with half wages is being paid to all the monthly rated and daily rated workers except those covered by Ex. M. 1. He further says that there are no conditions for qualifying for sick leave, that is, one need not earn that leave, that sick leave is not related to any work done, that this sick leave is allowed during the first year of service also whereas earned leave is given only in subsequent years after a workman puts in qualified masters. According to him it is only for those covered by Ex. M. 1 the wages for sick leave were also taken into consideration for fixing the quarterly bonus payable to them and that he is also one of those persons, that this payment made taking into consideration the wages for sick days also was stopped after the implementation of the Wage Board recommendations. According to him that there are 800 odd collieries in India, that most of the private collieries are members of the I.M.A. (Indian Mining Association) that Ex. M. 13 and 14 are copies of the letters addressed to I.M.A., that Ex. M. 15 is the reply to their letters that Ex. M. 16 is the letter received from Aluminium Corporation of India who are working Jaykaynagar Colliery. Ex. M. 15 and M. 16 are filed to show that bonus on the basic portion of the sick leave cannot be paid since it is not linked with work done.

11. Now from the evidence of the witnesses referred to it is seen that this company had been giving sick leave and that for one set of workers the respondent was giving what is known as sick khoraki and that later on after the implementation of the Wage Board recommendations 15 days sick leave with full pay is being paid in view of sick khoraki and that these are the workmen who were employed after July, 1949 and that so far as the other set of workmen who were employed prior to July 1949 are concerned they are being given 30 days sick leave even now. The evidence also shows that quarterly bonus was being paid on the basic portion of the sick leave till the end of 1967 so far as the workmen who were employed subsequent to July 1949 are concerned. The evidence also shows that the quarterly bonus on the basic portion of the sick leaves being paid even now for the workers working in the Managing Director's Office at Kothagudem and at Hyderabad. The evidence also shows that the quarterly bonus is paid on the basic portion of the lay-off, maternity, paid holidays and accident *vide* evidence of (M.W. 2). Now the evidence let in by the respondent is to the effect that since sick leave is not linked with work done, even though the sick leave is taken into consideration for the purpose of arriving at the eligibility, while calculating the bonus the wages for those days will not be taken into consideration at all. So from the evidence it is seen that even though the basic portion of the earnings of the days relating to earned leave, maternity leave and accidents are taken into consideration for the purpose of calculating the quarterly bonus so far as the basic earnings as regards the sick leave are concerned they are taken into consideration only for arriving at the eligibility for claiming bonus but that for the purpose of paying the bonus the basic earnings of the sick leave are not taken into consideration. Now the contention of the petitioners is that bonus should be

calculated on the basic portion of the earnings of sick leave also. Now it has to be seen whether this contention of the petitioners can be upheld.

12. At this stage a reference may be made to the relevant portions of the Bonus Scheme paragraph 2(b) of the Bonus Scheme gives the definition of the basic earnings and as per that definition "Basic earnings", means the total cash emoluments, whether earned while on duty while on leave with pay. Paragraph 4 refers to the qualification for bonus. Paragraph 5 refers to the allowance for leave etc., which have to be taken into consideration for the purpose of paragraph 4 of the Bonus Scheme. As per paragraph 5 leave includes sick leave. Paragraph 6 relates to the amount of bonus that has to be calculated. Now the evidence of the respondent is that the sick leave is taken into consideration for the purpose of arriving at the qualification for the bonus referred to in paragraph 4 of the Bonus Scheme only for the purpose of arriving at the eligibility but that while calculating the bonus the basic earnings of sick leave are not taken into consideration. When it is seen from the evidence adduced on the side of the respondent that the basic portion of the earned leave, maternity leave, accidents, lay off and paid holidays are taken into consideration for the purpose of arriving at the amount of bonus, it does not stand to reason why the bonus should not be calculated on the basic earnings of the sick leave. It is now contended by the respondent's representative that since earned leave etc., other than the sick leave are linked with the work done, bonus is calculated on the basic earnings of the earned leave etc. So far as the earned leave is concerned it is contended by the respondent's representative that it is leave that is earned by a worker in a particular year and that this leave can be availed of by the workmen only in the next year of his earning the leave whereas there is no such restriction so far as sick leave is concerned and that the sick leave can be availed of in the same year. Now the evidence of M.W. 1 is that sick leave would be granted only if the workmen bring a Doctor's certificate. So it is clear that even sick leave is only granted on production of Doctor's certificate. If according to the respondent in order to earn the quarterly bonus on the basic earnings sick leave should be linked with the work done it is not known how the earned leave, the maternity leave, leave given due to accidents, the lay-off and paid holidays are linked with the work done. Further the definite evidence adduced on the side of the respondent is that the workers working in the Managing Director's office at Kothagudem and Hyderabad are getting bonus on the basic earnings of sick leave till today. If really the basic earnings on the sick leave cannot at all taken into consideration for the purpose of calculating the quarterly bonus on the ground that it is not linked with the work done, then even the workers working in the Managing Director's Office cannot be given the quarterly bonus on the basic earnings of the sick leave. It does not stand to reason how for a particular type of workers the basic earnings of the sick leave cannot be taken into consideration for the purpose of calculating the quarterly bonus on the ground that it is not linked with the work done and how the basic earnings of sick leave also can be taken into consideration for calculating the quarterly bonus so far as another set of workers are concerned. There is absolutely no basis for such a discrimination. If it is the contention of the respondent that the sick leave should be linked with the work done for the purpose of calculating quarterly bonus on the basic

earnings of the sick leave, then it should be so with reference to all types of workers under the Company, but it is not so far as one set of workers of the respondent are concerned.

13. It is also seen from the evidence that this very company had been calculating the quarterly bonus on the basic earnings of the sick leave till about the end of 1967 and that it is only later on that the respondent stopped calculating the quarterly bonus on the basic earnings of the sick leave after issuing the relevant circulars already referred to so far as only a particular type of workers is concerned. It is not as if all the workers working under the respondent are covered by the circulars referred to. When it is now seen that the basic earnings on the earned leave, maternity leave, accidents, lay-off and paid holidays are taken into consideration and when the respondent had been calculating the quarterly bonus on the basic earnings of the sick leave till 1967 and when the basic earnings of the sick leave given to the workers the working in the Managing Director's Office are taken into consideration for the purpose of calculating the quarterly bonus even still today, there is absolutely no justification for the respondent to deny this benefit to the petitioners by issuing some arbitrary circulars. Paragraph 5 of the Bonus Scheme clearly shows that leave includes sick leave. As per paragraph 2(b) basic earnings, means the total cash emoluments earned while on duty or while on leave with pay. Sick leave in the present case is sick leave with pay. In Chapter XIII of the recommendations of the Central Wage Board while referring to the sick leave it is observed as follows :

"Sick leave to the work men has come to be a condition of employment in industrial establishments in the same way as leave with pay. The necessity for rest during the periodical indisposition of the workers cannot be exaggerated. If the workers are not provided with means to fall back upon during such rest, the results will be more disastrous. Sick leave can no longer be called a generous grant of the employers out of charity".

So this recommendation also shows that when a worker is sick he should be granted sick leave and that if no sick leave is granted the result would be more disastrous. When according to the respondent sick leave is taken into consideration for arriving at the eligibility under paragraph 4 of the Bonus Scheme and when the quarterly bonus is calculated on the basic earnings of earned leave, maternity leave etc., the respondent should calculate the quarterly bonus on the basic earnings of the sick leave also. On a consideration of the evidence placed before me I am satisfied that there is absolutely no justification for the respondent in excluding the wages for the sick leave for the purpose of calculating quarterly bonus.

14. It is contended by the respondent's representative that so far as the workers working in the Managing Director's Office are concerned they are not covered by the Mines Act and the further the persons working in that office are small in number and that sofar as the petitioners are concerned they are governed by the Mines Act and that even as regards the workers who were appointed prior to July 1949, they are also not now paid the quarterly bonus on the basic earnings of the sick leave and that it is only by mistake that the quarterly bonus was being calculated on the basic earnings of the sick leave and so the relevant circulars were issued stating that quarterly

bonus should not be calculated on the basic earnings of the sick leave. Even though the petitioners are governed by the Mines Act, it does not make any difference so far as the calculation of the quarterly bonus on the basic earnings of the sick leave is concerned. When according to the respondent the quarterly bonus cannot be paid on the basic earnings of the sick leave on the ground that it is not linked with the work done the same rule should apply even to the workers working in the Managing Director's Office, but it is not so in this case. When the respondent is taking into consideration the basic earnings on the sick leave for the purpose of calculating the quarterly bonus so far as one set of workers working in the Managing Director's Office are concerned, this benefit should be extended to the other workers also. So there is no force in the contention of the respondent's representative that the petitioners are covered by the Mines Act, whereas the workers working in the Managing Director's Office are not covered by the Mines Act.

15. It is also contended by the respondent's representative that paragraph 2(b) of the Bonus Scheme refers to "Basic earnings" whereas in the present reference it is referred "Basic wages" and so the reference itself is incompetent and that the Tribunal has no jurisdiction to correct the reference. He relied upon the decision reported in SINGARENI COLLIERIES CO. LTD. v. SALIM M. MERCHANT (1972 (2) Andhra Weekly Report, page 165). In that case the reference was whether a particular grade fixed was justified. The arbitrator held that the respondent therein was not entitled to that particular grade. Having held so that arbitrator fixed a different grade. Under those circumstances their Lordships observed that Section 10A of the said Act speaks only of "the dispute" that is to say a specific dispute and that it is only that dispute which the arbitrator has to investigate and give the award. No doubt it is seen that in the reference it is mentioned as "Basic wages" whereas paragraph 2(b) of the Bonus Scheme refers to "Basic earnings" but a perusal of the reference clearly shows that it refers only to the basic earning because the relevant portion of the reference is "Having in view of the definition of "Basic Wages" as per paragraph 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme 1952" So, under the circumstances of this case, the word "Wages" in the words "Basic wages" is only typographic error for "Basic earnings". So there is no force in the contention of the respondent's representative that the reference itself is incompetent.

16. For all the aforesaid reasons I hold on the dispute referred to for adjudication that having in view of the definition of "Basic Wages" as per paragraph 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme of 1962 and having in view of the recommendations of the Central age Board for Coal Mining Industry at Chapter XII, the Management of Singareni Collieries Company Limited, Kothagudem are not justified in excluding the wages for the sick leave of the employees for the purpose of calculating quarterly bonus and so the respondent is directed to calculate the quarterly bonus on the basic earnings for the sick leave of the employees.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal his, the 25th day of September, 1972.

pnr/9.10

Industrial Tribunal

APPENDIX OF EVIDENCE

Witnesses examined for workmen	Witnesses examined for employers
W.W. 1 I. Surya Rao	M.W. 1 M. Ranganadham
W.W. 2 Amir Khan	M.W. 2 U. Shivaraj
W.W. 3 B. Pochaiah	
W.W. 4 G.S. Shamanna	

DOCUMENTS EXHIBITED FOR WORKMEN

- Ex. W. 1 Copy of the Circular dated 17-6-68 of the Singareni Collieries Company Limited, Kothagudem.
 Ex. W. 2 Copy of the circular dated 24-7-68 of the Singareni Collieries Company Limited, Kothagudem.
 Ex. W. 3 Copy of the memorandum of settlement dated 17-9-69 under Section 12(3) of Industrial Disputes Act, between the Singareni Collieries Workers' Union Kothagudem and the management.
 Ex. W. 4 Actual position of implementation of wage board recommendations for Coal Mining Industry in respect of the collieries of the Bengal Coal company, Tata Iron and Steel Company and W.C.D.C.
 Ex. W. 5 Memorandum of settlement dated 7th, 8th and 9th October 1969 under Section 12(3) of Industrial Disputes Act between the M/s. Singareni Collieries Company Limited, Kothagudem and the Singareni Collieries Workers Union, Kothagudem and Tandur Coal Mines Labour Union, Belampalli.

DOCUMENTS EXHIBITED FOR EMPLOYERS

- Ex. M. 1 Statement showing number of staff and workers who are allowed liberalised leave facilities viz., 30 days privilege leave, 30 days sick leave and 10 days casual leave by virtue of their appointment in monthly grades prior to July 1949.
 Ex. M. 2 Bonus Form for the year 1966 pertaining to Sre-ragni.
 Ex. M. 3 Bonus Form X for the year 1966 pertaining to A. Basavaiah.
 Ex. M. 4 Bonus Form X for the year 1966 pertaining to Mohd. Gaffer.
 Ex. M. 5 Bonus Form X for the year 1966 pertaining to Shaik Abdulla.
 Ex. M. 6 Bonus Form X for the year 1966 pertaining to Bada Md. Yacoob.
 Ex. M. 7 Bonus Form X for the year 1966 pertaining to Eleganti Ratnam.
 Ex. M. 8 Bonus Form X for the year 1966 pertaining to Kanda Rajam.
 Ex. M. 9 Bonus form X for the year 1966 pertaining to Katkuri Balaiyah.
 Ex. M. 10 Bonus Form X for the year 1966 pertaining to Basta Railingu.
 Ex. M. 11 Bonus Form X for the year 1966 pertaining to Bandi Kistiah.

- Ex. M. 12 Bonus Form X for the year 1966 pertaining to Peddepalay Appaiah.
- Ex. M. 13 Copy of the letter dated 6-1-68 of the General Manager addressed to the Secretary Indian Mining Association Calcutta.
- Ex. M. 14 Letter dated 28-5-68 of General Manager addressed to the Secretary, Indian Mining Association, Calcutta.
- Ex. M. 15 Letter dated 3-6-68 of the Secretary of Indian Mining Association, Calcutta, addressed to the General Manager, Singareni Collieries Company Limited Kothagudem.
- Ex. M. 16 Letter dated 7-2-72 of Manager of Jaykay nagar Colliery Assansol addressed to the General Manager, Singareni Collierics Company Limited, Kothagudem.

New Delhi, the 18th October, 1972

ORDER

S.O. 3839.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Bharat Udyogalaya, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Bombay constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the workmen of Messrs. Bharat Udyogalaya, Bombay for bonus at the rate of 20 per cent. of the wages earned by them for the years 1969-70 and 1970-71 is justified? If not, to what quantum of bonus are the workmen entitled for each of the above two years?"

[No. L-29011(52)/72-LR.IV]

नई दिल्ली, दिनांक 18 अक्टूबर, 1972

प्रावेश

का०आ०—3839 यतः केन्द्रीय सरकार की राय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भैसंस भारत उद्योगालय बम्बई, के प्रबन्ध से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीधोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद का न्यायनिर्णय के लिए निर्देशित करना चाहती है।

प्रतः, भ्रष्ट श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रश्न एक्टियों का प्रयोग करते हुए, केन्द्रीय सरकार एक्टव्हारा एक श्रीधोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री उद्देश नारायण माधुर होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उक्त श्रीधोगिक अधिकरण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

"क्या भैसंस भारत उद्योगालय, बम्बई के कर्मकारों की उनके द्वारा वर्ष 1969-70 और 1970-71 में अंगित मजदूरियों का 20 प्रतिशत की दर से बोनस की मांग न्यायोचित है? यदि नहीं, तो

कर्मकार उपयुक्त वर्षों में से प्रत्येक के लिये बोनस की कौन सी राशि पाने के हकदार हैं?"

[सं० ए० 29011(52)/72-ए०आर 4]

New Delhi, the 30th October, 1972

ORDER

S.O. 3840.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Copper Limited, Khetri Copper Project, Post Office Khetri Nagar, District Jhunjhunu and their workmen in respect of the matter specified in the Schedule hereto annexed;

AND, WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Updesh Narain Mathur shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Hindustan Copper Limited, Khetri Copper Project in promoting Shri S. R. Soni, Upper Division Clerk as a Junior Accountant superseding the claims of Sarvashri Sanwormal Soni and H. P. Saksena, Upper Division Clerks in the Project was justified? If not, to what relief are Sarvashri Sanwormal Soni and H. P. Saksena entitled?

[No. L-29012/6/72-LR.IV]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, दिनांक 30 अक्टूबर, 1972

प्रावेश

का०का०3840-यतः केन्द्रीय सरकार की राय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में हिन्दुस्तान पर लिमिटेड, खेत्री कांपर प्राजेक्ट, डाकघर खेत्री नगर, जिला झुंझुनू से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीधोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना चाहती है;

प्रतः, भ्रष्ट श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक्टव्हारा एक श्रीधोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री उद्देश नारायण माधुर होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उक्त श्रीधोगिक अधिकरण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

"क्या हिन्दुस्तान कापर लिमिटेड, खेत्री कापर प्राजेक्ट के प्रबन्ध तत्व की श्री एस० आर० सोनी, उच्च श्रेणी लिपिक को, सर्वेत्री संवरमल सोनी और एस० पी० सक्सेना, प्राजेक्ट उच्च श्रेणी लिपिकों के दावों को अतिरिक्त करते हुए, कनिष्ठ सेक्षाकार के रूप में प्राप्तिशुली देने की कार्यवाही न्यायोचित है? यदि नहीं, तो सर्वेत्री संवरमल सोनी और एस० पी० सक्सेना किस अनुत्तीष्ठ के हकदार हैं।"

[सं० ए० 29012/6/72-ए०आर० 4]

एस० एस० सहस्रनामन अमर सचिव

New Delhi, the 3rd November, 1972

S.O. 3841—WHEREAS the All India Trade Union Congress has nominated under clause (e) of sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), Shri P. K. Thakur in place of Shri S. K. Sanyal as member of the Mining Board constituted for the States of Madhya Pradesh and Uttar Pradesh;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment S.O. No. 1286 dated the 24th April, 1965, namely:—

In the said notification, under the heading "Members", against serial number (6), for the existing entry, the following entry shall be substituted, namely:—

"Shri P. K. Thakur, Advocate, Yadav Colony, Lachminagar, Behind Hanuman Mandir, Jabalpur (M.P.). [Nominated by the All India Trade Union Congress under clause (e) of section 12(1)]."

[No. V-22012/4/72-M.L.]

R. KUNJITHAPADAM, Under Secy.

नई दिल्ली, दिनांक 7 नवम्बर, 1972

का०आ० 3841—यथा: आल इण्डिया ट्रेड यनियन कॉर्पोरेशन ने आत प्रधिनियम, 1952 (1952 का 35) की धारा 12 की उपधारा (1) के खण्ड (अ) के अधीन श्री पौ. के० सान्ताल के स्थान पर श्री पी० के० ठाकुर को मह्य प्रवेश और उत्तर प्रवेश राज्यों के लिये गठित अनन्त शोर्ड के सदस्य के रूप में नामनिर्देशित किया है।

अतः, अब, अनन्त प्रधिनियम, 1952 की धारा 12 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व श्रम और रोजगार मतालय की प्रधिसूचना सं० का०आ० 1286, तारीख 24 अप्रैल, 1965 में एनवडारा निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त प्रधिसूचना में, "सदस्य" शोर्ड के अन्तर्गत क्रम संख्या (6) के सामने विषमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री पी० के० ठाकुर, एड्वोकेट,
यादव कालोनी, लक्ष्मीनगर,
हनुमान मन्दिर के पीछे
जबलपुर (म० प्र०)

(आल इण्डिया ट्रेड यनियम कॉर्पोरेशन द्वारा धारा 12 की उपधारा (1) के खण्ड (अ) के अधीन नाम निर्देशित किया गया है।)

[सं० वी-22012/4/72-प८]

आर० कुंजीवापरम, प्रब्रह्म सचिव

New Delhi, the 7th November, 1972

S.O. 3842—In pursuance of clause (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints (i) the Deputy Secretary (General), Finance Department, Trivandrum and (ii) Deputy Secretary to the Government of Kerala, Labour Department, Trivandrum as the members of the Regional Committee set up for the State of Kerala and makes the following further amendments in the notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1245, dated the 14th April, 1966, namely:—

In the said notification, in items 2 and 3 for the existing entries, the following entries shall be substituted respectively, namely:—

"(2) The Deputy Secretary (General) Finance Department, Government of Kerala, Trivandrum.

(3) The Deputy Secretary to the Government of Kerala, Labour Department, Trivandrum."

[No. 12(1)/66-PF. II]

नई दिल्ली, दिनांक 7 नवम्बर, 1972

का०आ० 3842—कर्मजारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उप-पैरा (1) के खण्ड (ब) के घनुमरण में, केन्द्रीय सरकार (i) उपसचिव (साधारण), वित्त विभाग, लिवेन्ट्रम, और (ii) उप-सचिव, केरल सरकार, श्रम विभाग, लिवेन्ट्रम को, केरल राज्य के लिए गठित अंतर्राष्ट्रीय समिति के सदस्यों के रूप में एनवडारा नियुक्त करती है और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की प्रधिसूचना सं० का०आ० 1245, तारीख 14 अप्रैल, 1966 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त प्रधिसूचना में, मद 2 और 3 में, विषमान प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात्:—

"(2) उपसचिव (साधारण), वित्त विभाग, केरल सरकार, लिवेन्ट्रम।

(3) उप सचिव, केरल सरकार, श्रम विभाग, लिवेन्ट्रम"

[सं० 12(1)/66-पी०एफ० 2]

S.O. 3843—In pursuance of clause (c) and (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri C. S. Patel vice Shri D. P. Ketkar, Shri A. T. Kajiji vice Shri J. V. Patel, Shri E. N. Joshi vice Shri R. J. Mehta and Shri G. V. Chitnis as members of the Regional Committee set up for the State of Maharashtra, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1286, dated the 27th May, 1961, namely:—

In the said notification,—

(i) for the existing entries against Serial Numbers 5, 6, 7 and 9, the following entries shall be substituted, namely:—

5. Shri C. S. Patel, Labour Officer, Silk and Art Silk Mills Association Limited, Reshma Bhavan, 78, Veer Nariman Road, Bombay-20.

6. Shri A. T. Kajiji, Empire Dyeing and Manufacturing Co. Ltd., Garlick Engineering Division, Bapura Jagtap Marg, Sant Gadge Maharaj Chowk, Bombay-11.

7. Shri G. V. Chitnis, Care-Maharashtra State Committee of A.I.T.U.C., Dalvi Building, Parel T.T., Dr. Ambedkar Road, Bombay-12.

9. Shri E. N. Joshi, Engineering Mazdoor Sabha, Kamgar Sadan, Mazgaon, Bombay-10."

[No. V-20012(3)/72-PF. II]

का० आ० 3843— कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उप पैरा (1) के बाण्ड (ग) और (घ) के अनुसरण में, केन्द्रीय सरकार श्री. ई० पी० केतकर के स्थान पर श्री सी० एम० पटेल को, श्री जो० वी० पटेल के स्थान पर श्री ए० टी० काजी जी को, श्री आर० जे० मेहता के स्थान पर श्री ई० एन० जोशी को और श्री जी० वी० चिटणिस को महाराष्ट्र राज्य के लिये गठित क्षक्ति समिति के भवस्थों के रूप में एतद्वारा नियुक्त करती है और भारत सरकार के भूत्पूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 1286, तारीख 27 मार्च, 1961 में निम्नलिखित संशोधन करती है, प्रथाति :-

उक्त अधिसूचना में :-

- (1) क्रम संख्याएँ 5, 6, 7 और 9 के मामले की विषमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियों रखी जाएंगी, अर्थात् :-
- “5. श्री सी० एस० पटेल, श्रम अधिकारी, सिल्क एण्ड आर्ट सिल्क मिल्स, एसोसिएशन लिमिटेड, रेशमा भवन, 78, वीर नारिमन रोड, मुम्बई-20.
6. श्री ए० टी० काजी जी, एम्पायर डाइंग एण्ड मैन्युफैक्चरिंग कम्पनी लिमिटेड, गालिक ईंजीनियरिंग डिवीजन, बापूराव जगनाप मार्ग, संत गालगे महाराजा थोक, मुम्बई -11।
7. श्री जी० वी० चिटणिस, केयर-महाराष्ट्र स्टेट कमेटी आफ ए० आई० टी० य० सौ०, वाली बिल्डिंग, परेल टी० टी०, डा० अम्बेडकर रोड, मुम्बई-12
9. श्री ई० एन० जोशी,
ईंजीनियरिंग मजदूर सभा,
कामगार सदन, मजाराव, मुम्बई-10”

(सं० वी० 20012(3)/72-पी एफ II)

S.O. 3844 :— In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3204 dated 31st July, 1971 the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Maharashtra in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year from the date of expiry of the period specified in the said notification or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1	2	3	4
1	Bedar	Homanabad	1. M/s. Maharashtra State Road Transport Corporation Bus Depot.
2.	Osmanabad	Osmanabad	1. M/s. Maharashtra State Road Transport Corporation Depot Workshop.

[S. No. 38017/39/72-HI]

का० आ० 3844:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम प्रौर पुनर्वास मंत्रालय (अम प्रौर रोजगार विभाग) की अधिसूचना सं० का० आ० 3204, तारीख 31 जुलाई, 1971 के क्रम में केन्द्रीय सरकार इससे उपाबृष्ट अनुमती के स्तम्भ (4) में विनियोजित कारखानों की उक्त अनुमती स्तम्भ (3) में विनियोजित महाराष्ट्र राज्य के सेवों में, जिसमें उक्त अधिनियम के प्रधायाय 4, और 5 के उपबंध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए, उक्त कारखानों को, उक्त अधिनियम के प्रधायाय 5-क के अधीन उक्तग्रहणीय नियोजकों के विशेष अधिदाय के संवाद से, उक्त अधिसूचना में विनियोजित ध्वंशि के अवसान की तारीख से एक वर्ष की प्रौर अवधि के लिए या तब तक के लिए जब तक उक्त अधिनियम के प्रधायाय 5 के उपबंध उक्त क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्वारा छूट देती है।

अनुमती

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	2	3	4
1.	बिवर	होमनाबाद	मैसर्स महाराष्ट्र राज्य सङ्कक परिवहन निगम बस हिपो।
2.	उस्मानाबाद	उस्मानाबाद	मैसर्स महाराष्ट्र राज्य सङ्कक परिवहन हिपो कर्मशालय।

[सं० 38017(39)/72, एच आई]

S. O. 3845:—In exercise of the powers conferred by Section 73F of the employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) No. S.O. 1146, dated the 22nd February, 1971, the Central Government having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of West Bengal in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the date of expiry of the period specified in the said notification upto and inclusive of the 19th March, 1973 or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

SCHEDULE

S. No.	Name of District	Name of Area	Name of Factory
1	2	3	4
1.	Burdwan	Panagarh	Messrs. Panagarh Engineering Works Limited, Post Office Panagarh.
2.	Hooghly	Khanayan	Messrs. Shree Durga Board Mill, Post Office and Village Khanayan.

[File No. S. 38017/79/72-HI]

का० आ० 3845.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूत्युवंश अम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1146, नारीश्व 22 फरवरी, 1971 के क्रम में केन्द्रीय सरकार इसमें उपायद अनुसूची के स्तरम् 4) में विनिर्विष्ट कारखानों की, उक्त अनुसूची के स्तरम् (3) में विनिर्विष्ट पश्चिम बंगाल राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त नहीं हैं, अवस्थिति को व्याप में रखते हुए, उक्त अधिनियम के अध्याय 5-के अधीन उद्यग्हणीय नियोजकों के विषय अभिनाय के संदाय से 15 अक्टूबर, 1972 से 14 अक्टूबर, 1973 तक, जिसमें यह दिन भी सम्मिलित है, एक वर्ष की अवधि के लिए या नव तक के लिए जब तक उक्त अधिनियम के अध्याय 5 के उपबंध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हों, एनडारा घूट देती है।

अनुसूची

क्र० सं०	जिले का नाम	धर्व का नाम	कारखाने का नाम
1	2	3	4
1. बर्बान	पनागढ़	मैसर्स पनागढ़ इंजी- नियरिंग बर्क्स- लिमिटेड, डाकघर, पनागढ़ ।	
2. हुगली	खनायन	मैसर्स श्री हुगा बोर्ड, मिल डाकघर और प्राम, खनायन	

[सं० एम० 38017(79)/72एच-माई]

S.O. 3846.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 73 dated the 7th December, 1971 the Central Government having regard to the location of the Mechanical and Electrical Workshop, Sabarmati, Ahmedabad and the Auto Workshop, Sabarmati, Ahmedabad belonging to Oil Gas Commission in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Workshop from the payment of the employers' special contribution leviable under Chapter V-A of the said Act for a further period of one year with effect from the 15th October, 1972 upto and inclusive of the 14th October, 1973.

[No. S-38017/80/72.HI]

DALJIT SINGH, Under Secy.

का० आ० 3846.—राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-एच द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसूचना सं० का० आ० 73 नारीश्व 7 विसम्बर, 1971 के क्रम में, केन्द्रीय सरकार आयन गैस कमीशन के मैकेनिकल एण्ड इलेक्ट्रिकल वर्क-शाप सावरमती, महमदाबाद और आटो वर्कशाप सावरमती अहमदाबाद

के ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं, की अवस्थिति को व्याप में रखते हुए उक्त कर्मशाला को उक्त अधिनियम के अध्याय 5-के अधीन उद्यग्हणीय नियोजक के विषय अभिनाय के संदाय से 15 अक्टूबर, 1972 से 14 अक्टूबर, 1973 तक, जिसमें यह दिन भी सम्मिलित है, एक छीर वर्ष की अवधि के लिए एवं घारा घूट देती है।

[सं० एस-38017(80)/72-एच3]

बलजीत सिंह, अवरूपसचिव

New Delhi, the 7th November, 1972

S.O. 3847.—WHEREAS the draft of a Scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at pages 2234-2240 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th May, 1970 under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1676, dated the 25th April, 1970, inviting objections or suggestions from all person likely to be affected thereby, till the 30th May, 1970;

AND WHEREAS the said Gazette was made available to the public on the 9th May 1970;

AND WHEREAS the objections or suggestions received from the public on the said draft have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme, further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, namely:—

AMENDMENT SCHEME

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme 1972.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957,—

(1) In clause 1, to sub-clause (2) the following proviso shall be added namely:—

"Provided that this Scheme shall not apply to any dock worker or employer unless he is listed as such under this Scheme.";

(2) Clause 4 shall be renumbered as sub-clause (1) and—

(a) in sub-clause (1) of that clause as so renumbered;

(i) items (g) and (h) shall be re-lettered as items (k) and (l);

(ii) for items (ee) and (f), the following items shall be substituted, namely:—

"(f) making provision for the training and welfare of listed workers including medical benefits in so far as such provision does not exist apart from this Scheme;

(g) ensuring the adequate supply and the full and proper utilisation of listed workers for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the Port;

(h) regulating the recruitment and entry into and the discharge from the Scheme of listed workers and the allocation of listed workers in the pool to listed employers;

- (i) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of listed workers, including any registers or records of listed workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any listed worker either at his own request or in accordance with the provisions of this Scheme;
- (j) levying and recovering from listed employers contributions in respect of the expenses of the Scheme;"
- (iii) after item (1) as so re-lettered, the following items shall be inserted, namely:—
- "(m) making provision for health and safety measures in places where listed workers are employed in so far as such provision does not exist apart from the Scheme;
- (n) maintaining and administering the Listed Workers Welfare Fund and recovering from all listed employers contributions towards the Fund in accordance with the rules of the Fund that may be framed under this Scheme;
- (o) maintaining administering a provident fund and a gratuity fund for listed workers in the pool;
- (p) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation mortgaging or charging all or any part of the property of the Board.";
- (b) after sub-clause (1) as re-numbered the following sub-clauses be inserted, namely:—
- "(2) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under this Scheme.
- (3) The Board shall submit to the Central Government.
- (i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October of that year, an annual report on the working of this Scheme during the preceding year ending the thirty-first day of March together with an audited balance-sheet; and
- (ii) copies of proceedings of the meetings of Board.";
- (3) after clause 4 the following clauses shall be inserted, namely:—
- "4A. Application of the funds of the Board.—**The income and property of the Board from whatever source derived shall be applied solely towards the objects of this Scheme including health, safety, training and welfare measures for listed workers (including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of listed workers and the staff of the Board) and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board and the Administrative Body.
- 4AA. Responsibilities and duties of the Board in meeting:—**
- The Board in meeting shall be responsible for dealing with all matters of policy and in particular—
- (a) fix the number of dock workers to be listed under various categories;
- (b) increase or decrease the number of workers in any category on the register or record from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
- (c) consider listing of new employers on the recommendations of the Chairman;
- (d) prescribe forms, records, registers, statements and the like required to be maintained under this Scheme;
- (e) determine the wages, allowances and other conditions of service of Dock Workers, and refix the guaranteed minimum wages in a month after annual review;
- (f) fix the rate of levies, administrative and other charges;
- (g) fix the rate of contribution to be made by the listed employers to the Dock Workers Welfare Fund;
- (h) appoint, dissolve or reconstitute Committees under clause 7;
- (i) sanction the annual budget;
- (j) sanction the creation of posts the maximum salary of which exclusive of allowances is less than Rs. 1,000 per mensem and make appointments to such posts;
- (k) make recommendations to the Central Government about changes in the Schedule to the Act;
- (l) make recommendations to the Central Government about any modification in this Scheme;
- (m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Central Government the results of such endeavours;
- (n) discuss statistics of output of labour and record its observations and directions; and
- (o) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.";
- (4) in clause 5,—
- (i) in sub-clause (1), for items (c) and (d), the following items shall be substituted, namely:—
- "(c) to supervise and control the working of the Administrative Body and to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (e) to constitute medical boards when required;
- (f) to ensure that all forms, registers, returns and documents prescribed under this Scheme are properly maintained;
- (g) to sanction the creation of posts, the maximum salary of which exclusive of allowances is upto rupees six hundred per month and to make appointment to such posts;
- (h) to take disciplinary action against listed workers and listed employers in accordance with the provisions of this Scheme;
- (i) to declare that there has been a 'go-slow' and to take action as authorised under this Scheme;

- (j) to declare a 'state of emergency' and to take action as authorised under this Scheme;
- (k) to make a report, when necessary, to the Central Government under rule 5 of the Dock Workers (Regulation of Employment) Rules, 1962;
- (l) to deal with appeals under clauses 15 and 16; and
- (m) to discharge all other duties and responsibilities specifically vested in the Chairman under this Scheme."

(ii) in sub-clause (2).—

- (a) for item (a) the following item shall be substituted, namely:—

"(a) to the Deputy Chairman, any of his functions under sub-clause (1), excepting those mentioned in items (e), (g), (h), (i), (j), (k), (l) and (m) of that sub-clause;"

- (b) the following proviso shall be added at the end, namely:—

"provided that the delegation of the functions to the Deputy Chairman under item (a) shall not divest the Chairman of his powers under sub-clause (1)."'

(5) for clause 6, clause 6A and clause 6B the following clauses shall be substituted, namely:—

6. Responsibilities and duties of the Deputy Chairman and Personnel Officer:—

- (1) The Deputy Chairman shall assist the Chairman in the discharge of his functions and, in particular, shall—
 - (a) discharge all functions relating to disciplinary action against listed employers and listed workers to the extent permitted under clause 14;
 - (b) function as Chairman of Committees of the Board to which he may be nominated a member;
 - (c) carry out the functions of the Administrative Body if there is no Administrative Body appointed under clause 6A; and
 - (d) exercise such other functions as are delegated to him by the Chairman;
- (2) The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and in particular shall carry out such functions as may be delegated to him by the Deputy Chairman and shall, in particular, carry out the functions vested in him under clause 14.

6A-Administrative Body.—(1) The Central Government may, by notification in the Official Gazette, appoint an Association or body consisting of such employers of listed workers as the Central Government may nominate in this behalf to be the Administrative Body for the purpose of carrying out the functions assigned to it under the Scheme. If no such Administrative Body is appointed, the Deputy Chairman shall carry out the functions of the Administrative Body.

(2) The Administrative Body shall, subject to the supervision and control of the Board, the Chairman and the Deputy Chairman and subject to the provisions of clause 14, carry on the day-to-day administration of this Scheme.

(3) The Central Government may for sufficient cause supersede the Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be superseded unless it has been given a reasonable opportunity of being heard."

6-B. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body

shall be responsible for the administration of this Scheme and in particular be responsible for—

- (a) keeping, adjusting and maintaining a list of listed employers, entering or re-entering therein the name of any listed employer and where circumstances so require, removing from the list the name of any listed employer either at his own request or in accordance with the provisions of this Scheme;
- (b) keeping adjusting and maintaining from time to time such lists, registers or records as may be necessary, of listed workers including any lists, registers or records of listed workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any register list or record the name of any listed worker either at his own request or in accordance with the provisions of this Scheme;
- (c) the employment and control of listed workers available for work when they are not otherwise employed in accordance with this Scheme;
- (d) the allocation of listed workers in the pools constituted under clause 9A who are available for work to listed employers and for this purpose, the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of listed workers in each pool;
 - (iii) keep the record of attendance at call stands or control points of listed workers;
 - (iv) provide for the maintenance of the records of employment and earnings;
 - (v) allocate listed workers in accordance with sub-clause (3) (f) of clause 9A;
 - (vi) make necessary entries in the Attendance and Wage Cards of the listed workers in the pool;
- (e) (i) the collection of levies, administrative and other charges and contributions to the Listed Workers Welfare Fund;
- (ii) the collection of the listed workers' contribution to the Provident Fund, Insurance Fund or any other Fund which may be constituted under this Scheme;
- (iii) the payment as agent of the listed employer to each listed worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to these workers in accordance with the provisions of this Scheme;
- (f) appointing, subject to the budget provision and with the sanction and approval of the Chairman, such officers and servants from time to time as may be necessary;
- (g) making provision for training of workers as it may consider necessary;
- (h) the keeping of proper accounts of the cost of operating this Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
- (i) the framing of the budget annually submitting the same to the Board on or before the fifteenth day of February in each year and getting it approved by the Board;
- (j) maintaining complete service records of all listed workers covered under the Schedule; and
- (k) such other functions as may, from time to time, and subject to the provisions of this Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman.

6BB. Annual Estimates.—The Chairman, shall at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under clause 6B, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.”;

(6) in clause 6-C, the following shall be added at the end, namely:—

“and shall in particular, carry out the functions vested in him under clause 14.”;

(7) in clause 8, after sub-clause (5) the following sub-clauses shall be inserted, namely:—

“(6) Notwithstanding any other provision of this Scheme, the Board in meeting may direct the removal of the name of a listed employer who has not transacted any work for two consecutive years:

Provided that before giving any such direction, the Board shall give the employer an opportunity of showing cause why the proposed direction should not be issued.

(7) Notwithstanding anything contained in this clause, the following classes of persons shall not be eligible for being listed as employers under this Scheme, namely:—

- (a) persons who are not citizens of India;
- (b) firms, one or more partners of which is or are not citizen or citizens of India; and
- (c) companies the majority of the shareholders whereof are not citizens of India.”;

(8) in clause 9A, after sub-clause (2), the following sub-clause shall be inserted, namely:—

“(3) (a) Workers shall be employed in shifts;

(b) A worker shall not ordinarily be employed in two consecutive shifts on each of two successive days. In no case, shall a worker be employed in three consecutive shifts;

(c) A worker in the pool shall not be employed for more than 8 shifts in a week;

(d) In special circumstances, the Chairman may relax temporarily the restrictions under item (c) to the extent necessary;

(e) Workers working in more shifts than one in a day shall be entitled to the normal rate of wages for work in each shift;

(f) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.”;

(9) for clause 10, the following clause shall be substituted, namely:—

10. Medical Examination—(1) A new worker before listing shall undergo, at the cost of the Administrative Body, a medical examination for physical fitness by a Medical Officer, nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be fixed from time to time in this behalf, for examination by a Medical Board. On receipt of such a request the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to listing.

(2) If the Administrative Body deems it necessary, a worker shall undergo at the cost of the Administrative Body a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final.

If a worker is found unfit by the Medical Board, the Chairman shall terminate his services forthwith.”;

(10) after clause 10 E, the following clause shall be inserted, namely:—

10 F. Listed Workers' Welfare Fund—Cost of amenities, welfare and health measures and recreation facilities, for listed workers shall be met from a separate fund called the Listed Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all listed employers at such rates as may be determined by the Board. The Board shall frame rules for contribution to, maintenance and operation of the Fund.”;

(11) in clause 11,—

(i) for sub-clause (2), the following sub-clause shall be substituted, namely:—

“(2) Every listed employer shall pay to the Board such levies and administrative charges as may be fixed by the Board from time to time under clause 4 A(f).”;

(ii) for sub-clause (5), the following sub-clause shall be substituted, namely:—

“(5) A listed employer shall pay to the Administrative Body in such manner and at such times as the Chairman may direct the amount payable by way of levies, administrative charges and other charges under sub-clause (2) and gross wages due to the listed dock workers.”;

(iii) after sub-clause (7), the following sub-clauses shall be inserted, namely:—

“(8) A listed employer shall, on demand make a payment to the Administrative Body by way of deposit or provide such other security for the due payment of the amount referred to in sub-clauses (2) and (5) as the Board may consider necessary.

Failure to make such deposits within the time fixed by the Chairman or failure to recoup it within the time allowed by the Chairman or Deputy Chairman shall result in stoppage of supply of labour to the employer concerned.

(9) A listed employer who is in arrears of levies or other charges payable to the Administrative Body or the Board under this Scheme shall be liable to be proceeded against by the Board in a court of law.”;

(12) for clause 11 A, the following clause shall be substituted, namely:—

11A. Suspension of supply of listed workers.—If a listed employer fails to make the payment due from him under sub-clause (2) or sub-clause (5) of clause 11 or any other amount due and payable to the Board in any other capacity or account within such time as may be prescribed by the Administrative Body, the Deputy Chairman the Chairman or the Board, the Administrative Body shall serve a notice on the employer to the effect that unless he pays his dues within three days of the receipt of the notice, the supply of listed workers to him shall be suspended. On the expiry of the period of notice, the Administrative Body shall suspend the supply of listed workers to the defaulting employer until he pays his dues.

11. B. Consequences of suspension of supply of listed workers.—Whenever the suspension of supply of listed workers is effected in accordance with clause 11A, the financial liabilities arising therefrom in relation to the workers concerned shall be to the account of the defaulting employer or employers concerned. The amount due to the Administrative Body or to the Board on account of this liability shall also be recoverable from the employer or employers concerned in the same manner as other dues and charges payable under this Scheme.”.

नई विली 7 नवम्बर, 1972

का० आ० 3847.—यतः मद्रास अरजिस्ट्रीकूल डाक कर्मकार (नियोजन तथा विनियमन) स्कीम, 1957 में और संशोधन करने के लिये एक स्कीम का प्रारंभ, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (i) द्वारा यथाअपेक्षित, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 9 मई 1970 के पूछ 2234-2240 पर भारत सरकार के श्रम, रोजगार और युवराजी मंत्रालय (श्रम और रोजगार विभाग) की अधिकृतता सं० का० आ० 1676 तारीख 25 प्रैस, 1970 के अन्तर्गत उनसे संभाव्यतः प्रभावित होने वाले सभी व्यक्तियों से 30 मई, 1970 तक आक्षेप या मुकाबला आमंत्रित करने हुए प्रकाशित किया गया था ;

ओर यतः उक्त राजपत्र जनसा को 9 मई, 1970 को उपलब्ध करा दिया गया था ;

ओर यतः उक्त प्रारूप के बारे में जनता से प्राप्त आक्षेपों और मुकाबलों पर केन्द्रीय सरकार द्वारा विचार कर दिया गया है ;

अतः अब, उक्त अधिनियम की धारा 4 की उपधारा (i) द्वारा प्रदत्त व्यक्तियों का प्रयोग करने हुए केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में और संशोधन करने के लिए एतद्वारा निम्नलिखित स्कीम बनाती है, अर्थात्—

1. इस स्कीम का नाम मद्रास अरजिस्ट्रीकूल डाक कर्मकार (नियोजन का विनियमन) संशोधन, स्कीम, 1972 है।

2. मद्रास अरजिस्ट्रीकूल डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में—

(1) खण्ड 1 में उपखण्ड (2) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात्—

“परम्परा यह स्कीम किसी डाक कर्मकार या नियोजक को तब तक लाए नहीं होगी जब तक कि उसे इस स्कीम के अधीन इस प्रकार सूचीकृत न किया गया हो !”

(2) खण्ड 4 को उम्मीद के उपखण्ड (1) के रूप में पुनः संक्षिप्त किया जाएगा और इस प्रकार यथा पुनः संक्षिप्त उपखण्ड (1) में,—

(i) मद (छ और ज), मद (ट) और (ठ) के रूप में पुनर्गठनकारी की जाएंगी—

(ii) मद (ड०३०) और (च) के स्थान पर, निम्नलिखित मद प्रतिस्थापित की जाएंगी, अर्थात्—

(च) सूचीकृत कर्मकारों के प्रशिक्षण और कल्याण के लिए व्यवस्था करना, जिसमें चिकित्सा प्रसुविधाएँ भी हैं, जहाँ तक ऐसी व्यवस्था इस स्कीम के अन्तर्गत विद्यमान नहीं है ।”

(छ) तुरन्त और किफायती रूप से जलयानों के आवागमन और पत्तन में से माल के गोप्य अधिवहन के प्रयोजन को मुकर बनाने के लिए, सूचीकृत कर्मकार का पर्याप्त प्रदाय और सम्पूर्ण और उचित उपयोग मुश्यित करना ;

(ज) सूचीकृत कर्मकारों की स्कीम से भर्ती और प्रवेश का विनियमन और उसमें उनका उन्मोचन करना और पूल में सूचीकृत कर्मकारों कर्मकारों का सूचीकृत नियोजकों को आवंटन करना ;

(झ) सूचीकृत कर्मकारों के ऐसे रजिस्टर या अधिकारी जो आवश्यक हो, समय-समय पर रखना, समायोजित करना और बनाए रखना जिसमें सूचीकृत ऐसे कर्मकारों के रजिस्टर या अधिकारी भी समिति है जो अस्थायी तौर पर डाक के काम के लिए

उपलब्ध नहीं है और जिनकी अनुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की गई है और जहाँ परिमितियाँ इस प्रकार अपेक्षा करें वहीं, किसी सूचीकृत कर्मकार का, या तो उससे प्रपत्त अनुरोध पर या स्कीमके उपबन्धों के अनुमार नाम हटाना ।”

(ब) स्कीम के व्ययों के बाबत सूचीकृत नियोजकों के अधिकारों का उद्घोषण करना और बसूल करना ;”

(iii) निम्नलिखित मदों, मद (ट) के पश्चात् अन्तस्थापित की जाएंगी—

“(छ) ऐसे स्थानों में, वहाँ सूचीकृत कर्मकार नियुक्त किए गए हैं, वहाँ, स्वास्थ्य और सुरक्षा उपायों की व्यवस्था करना, जहाँ तक ऐसी व्यवस्था, इस स्कीम के अन्तर्गत, विद्यमान नहीं है ;

(५) सूचीकृत कर्मकार कल्याण निधि को बनाए रखना और उसका प्रशासन करना और सभी सूचीकृत नियोजकों से निधि के ऐसे नियमों के अनुसार निषिद्ध हेतु अधिकारों की बसूली करना, जो इस स्कीम के अधीन बनाए जाएँ जाएँ ;

(६) पूल में सूचीकृत कर्मकारों के लिए विविध निधि और उपदान निधि बनाए रखना और उसका प्रशासन करना ;

(७) उधार लेना या धन इकट्ठा करना और डिव्हिचर या अन्य प्रतिभूतियाँ निकालना और किसी ऋण या आधिकारी को भुनिष्ठित करने के प्रयोजन के लिये, बोर्ड को सभी सम्पत्तियाँ उसका कोई भाग बन्धक में रखना या भारित करना ।”

(८) पुनः संक्षिप्तिके उपखण्ड (१) के पश्चात् निम्नलिखित उपखण्ड अन्तस्थापित किए जाएंगे, अर्थात् :—

“(२) स्कीम के प्रवर्तन के लागत और इस स्कीम के अधीन की सभी प्राप्तियों और व्ययों के बोर्ड उचित लेखे रखवाएंगा।

(३) बोर्ड—

(i) प्रत्येक वर्ष में भ्रैंस के प्रथम दिन के पश्चात् यथागमध्येष्ठी और उस वर्ष के अक्टूबर के ३१वें दिन के अपश्चात् ३१ मार्च को समाप्त होने वाले पूर्ववर्ती वर्ष के दोरान संपर्कित सुलन पत्र के माध्यम से इस स्कीम के कार्य की वापिक रिपोर्ट ओर,

(ii) बोर्ड के अधिवेशन की कार्यालयों की प्रतियाँ, केन्द्रीय सरकार को भेजेंगा ।”

3. खण्ड 4 के पश्चात् निम्नलिखित खंडों की अन्तस्थापित किया जाएगा, अर्थात् :—

“४क. बोर्ड को निधि का प्रार्थनापत्र बोर्ड को किसी भी स्रोत से व्यतीय आय और सम्पत्ति एकमात्र इस स्कीम के जहेतु व्यवस्था हेतु लगाई जायेगी जिसमें सूचीकृत कर्मकारों के लिये स्वास्थ्य सुरक्षा प्रशिक्षण और कल्याण के लिये उपाय समितिलाई होंगे (जिनमें सूचीकृतकर्मकारों और बोर्ड के कर्मचारिकून्व के अन्तर्गत फायदे के लिये बनाई गई सोसाइटीयों को उधार के अनुदान द्वारा या अन्यथा महायानी भी समिलित है) और उसका कोई भी भाग प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से लाभांश बोनस या बोर्ड के सदस्यों को फायदे के रूप में अन्यथा सदत या अन्तरित नहीं किया जायेगा परन्तु इसमें को कोई भी बात बोर्ड के किसी अधिकारी या सेवक को या बोर्ड को वास्तविक रूप से दी गई किसी सेवा के बदले में बोर्ड के किसी सदस्य को उचित और समुचित परिवर्तिक और व्यय के संदाय को रोक नहीं सकेगी न ही उधार लिये गये धन पर उचित दर से ब्याज के संदाय को या बोर्ड के किसी सदस्य द्वारा पटे पर या किसी पर सिये गये परिसर के लिये उचित और और समुचित भाँड़ के संदाय को रोक सकेगी न ही बोर्ड और

प्रशासनिक निकाय के कमेंजारिबुन्द के लिये कल्याणकारी उपायों पर उपगत होने वाले किसी व्यय को, यदि कोई हो, रोक सकेगी।”

“एक. अधिकारीमध्य बोर्ड के उत्तरदायित्व और कर्तव्य :—अधिकारीमध्य बोर्ड नीति के भभी मामलों के माथ व्यवहार करते के लिये उत्तरदायी होगा और विशिष्टनथा—

- (क) विभिन्न प्रबार्हों के अधीन सूचीकृत किये जाने वाले डाक कर्मकारों की संख्या नियम करेगा;
 - (ख) रजिस्टर या अधिकारीमध्य में समय समय पर किसी प्रबार्ह में कर्मकारों की संख्या इस प्रकार बढ़ायेगा या घटायेगा, जैसा रजिस्टरों और पूर्वानुमानित आवश्यकताओं के किसी कालिक पुनर्विलोकन के पश्चात् प्राप्तयक हो;
 - (ग) अध्यक्ष को सिफारिशों पर नये नियोजकों को सूचीगत करने पर विचार करेगा;
 - (घ) इस स्कीम के अधीन रखे जाने के लिये अपेक्षित प्रस्तों, अधिकारीमध्य, रजिस्टरों विवरणियों और तत्समान को नियत करेगा;
 - (इ) डाक कर्मकार सेवा के लिये मजदूरी, भत्ते और अन्य शर्तें अधिगति करेगा और वार्षिक पुनर्विलोकन के पश्चात् किसी मास में प्रत्याभूत न्यूनतम मजदूरियों को नियत करेगा;
 - (झ) उत्तरदायित्व प्रशासनिक और अन्य प्रभारों की दर नियत करेगा;
 - (ञ) डाक कर्मकार कल्याण निधि में सूचीकृत नियोजकों द्वारा दिये जाने वाले अधिकारीय की दर नियत करेगा;
 - (ञ) खण्ड 7 के अधीन समितियों को नियुक्ति विष्टन या पुनर्गठन करेगा;
 - (ञ) वार्षिक बजट को मंजूरी देगा;
 - (ং) भत्ते को छोड़कर जिनका अधिकारीमध्य बेतन प्रति मास एक हजार रुपये से अधिक है, ऐसे पदों के सूजन को मंजूरी देगा और ऐसे पदों पर नियुक्तियों करेगा;
 - (ঁ) अधिनियम की अनुसूची में परिवर्तन सम्बन्धी सिफारिशों केन्द्रीय सरकार को करेगा;
 - (ঁ) इस स्कीम में किसी उपायरण सम्बन्धी सिफारिशों केन्द्रीय सरकार को करेगा।
 - (ঁ) विवादों को सुनपाने का प्रयास करेगा जिनके बारे में सम्बन्धित पक्षकारों द्वारा केन्द्रीय सरकार को न्याय-निर्णयन के लिये अनुरोध किया गया है और ऐसा प्रयास के परिणामों को रिपोर्ट केन्द्रीय सरकार को देगा;
 - (ঁ) अभिकों के उत्पावन के आंकड़ों पर चर्चा करेगा और अपने संप्रक्षण और निदेश अधिलिखित करेगा; और
 - (ঁ) ऐसे अनुसूचित बैंकों में, जिनके बारे में, वह निदेश दे, जो खोलने और ऐसे खातों के ऐसे व्यक्तियों द्वारा जैसा बोर्ड समय समय पर निदेश दे प्रवर्तन के लिये मंजूरी देगा।”
4. खण्ड 5 में—(i) उपदण्ड (1) में मद (ग) और (ঁ) के स्थान पर निम्नलिखित मवे प्रतिस्थापित की जायेगी अर्थात्—
- (গ) प्रशासनिक निकाय के कामकाज का पर्यवेक्षण करना और नियंत्रण करना और यदि उसके द्वारा विल्ह अनि-
- यमिनताओं का पका चल गया हो या उसके व्यापार में उन्हें लाया गया हो, तो 'उपयुक्त [कदम उठाना];
 - (ঁ) यह सुनिश्चित करना कि कर्मकारों के स्थानान्तरण और प्रोत्साहन के बारे में स्कीम के उपबन्ध कार्यान्वयन किये गये हैं;
 - (ঁ) जब आवश्यक हो विकितमा बोडी का गठन करना;
 - (ঁ) यह सुनिश्चित करना कि इस स्कीम के अधीन विहित भभी प्रश्नों, रजिस्टरों, विवरणियों और दस्तावेजों को उचित रूप से रखा गया है;
 - (ঁ) भत्तों को छोड़कर जिनके अधिकारीमध्य बेतन प्रति मास 500 ह० तक है, ऐसे पदों का सूजन करना और पदों पर नियुक्त करना;
 - (ঁ) सूचीकृत कर्मकारों और सूचीकृत नियोजकों के प्रति इस स्कीम के उपबन्धों के अनुसार अनुशासिक कार्यवाई करना;
 - (ঁ) '(धीमे काम' की स्थिति की घोषणा करना और इस स्कीम के अधीन यथा प्राधिकृत कार्यवाई करना;
 - (ঁ) प्रापात स्थिति की घोषणा करना और इस स्कीम के अधीन यथा प्राधिकृत कार्यवाई करना;
 - (ঁ) डाक कर्मकार (नियोजन का विनियमन) नियम, 1962 के नियम 5 के अधीन, जब आवश्यक हो, केन्द्रीय सरकार को रिपोर्ट करना;
 - (ঁ) खण्ड 15 और 16 के अधीन अपीलों में कार्यवाई करना; और
 - (ঁ) इस स्कीम के अधीन अपीलों में विनियिष्ट रूप से निहित भभी अन्य कर्तव्यों पर उत्तरदायित्वों का निर्वाहन करना।”
 - (ii) उपदण्ड (2) में—(ক) मद (ক) के स्थान पर निम्नलिखित मवे प्रतिस्थापित की जायेगी अर्थात्—
 - (ক) उा खण्ड के मव (ঁ), (ঁ), (ঁ), (ঁ), (ঁ), (ঁ), (ঁ), (ঁ) और (ঁ) को छोड़कर उपदण्ड (১) के अधीन अपने हृत्य में से किसी को उपायकार को प्रत्यायोजित करना।
 - (ঁ) निम्नलिखित परस्तु अन्त में जोड़ा जायेगा, अर्थात्— “परन्तु उपायका को हृत्यों का भव के अधीन प्रत्येयोजन उपदण्ड (১) के अधीन अध्यक्ष को अनी शक्तियों से विनिहित नहीं करेगा।”

5. खण्ड 6, 6क और खण्ड 6খ के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अर्थात्—

“6. उपायक और कार्मिक अधिकारी के उत्तरदायित्व और कर्तव्य :—

 - (১) उपायक, अध्यक्ष को, उसके हृत्यों में निर्बंहन में सहायता करेगा और विशिष्टनथा :—
 - (ক) खण्ड 14 के अधीन जहाँ तक अनुशासन है वहाँ तक सूचीकृत नियोजकों और सूचीकृत कर्मकारों के प्रति अनुशासनिक कार्यवाई से संबंधित सभी हृत्यों का निर्बंहन करेगा;
 - (ঁ) बोर्ड को समितियों के अध्यक्ष के रूप में हृत्य करेगा जिसके लिये उसे मदस्य के रूप में नामनियिष्ट किया जा सकेगा ;

(ग) प्रशासनिक निकाय के कृत्यों को कियान्वित हुकरेगा यदि खण्ड 6 के अधीन नियुक्त कोई प्रशासनिक निकाय न हो, और

(घ) ऐसे अन्य कृत्यों का प्रयोग करेगा, जो उसे प्रब्लेम द्वारा प्रश्यायीचित किये गये हैं।

(2) कार्मिक अधिकारी, उपाध्यक्ष के, कर्तव्यों के निर्वहन में, साधारणतः उसकी महायता करेगा और विशिष्टतया ऐसे कर्तव्यों का पालन करेगा जो उपाध्यक्ष द्वारा उसे प्रत्यायीचित किये जायें और विशिष्टतया खण्ड 14 के अधीन उसमें निहित कृत्य को कियान्वित करेगा।"

65 प्रशासनिक निकाय (1) केंद्रीय सरकार राब्रेव में अधिसूचना द्वारा किसी ऐसे संगम या निकाय को नियुक्त करेगी, जो सूचीकृत कर्मकारों के ऐसे नियोजकों को मिलाकर बनाया गया है, जिन्हें 'केंद्रीय सरकार, इस निमित्त, स्कीम के अधीन उन्हें सौंपे गए कृत्यों को कियान्वित करने के प्रयोजनों के लिये प्रशासनिक निकाय के रूप में नाम निर्दिष्ट करे। यदि कोई ऐसा प्रशासनिक निकाय के नियुक्त नहीं किया गया है, तो, उपाध्यक्ष प्रशासनिक निकाय के कृत्यों को क्रियान्वित करेगा।

(2) प्रशासनिक निकाय, बोर्ड, प्रब्लेम और उपाध्यक्ष के पर्यवेक्षण और नियन्त्रण के अधीन रहते हुए और खण्ड 14 के उपबन्धों के अधीन कहते हुए, इस स्कीम का दैनिक प्रशासन कियान्वित करेगा।

(3) केंद्रीय सरकार प्रर्याप्त डेनक के आधार पर, उपनियम (1) के अधीन नियुक्त किसी प्रशासनिक निकाय को प्रतिष्ठित कर सकती है;

परन्तु प्रशासनिक निकाय को तब तक प्रतिष्ठित नहीं किया जायगा, जब तक उसे सुनवाई का समेवित अवधार न दिया गया हो,

66 प्रशासनिक निकाय के कृत्य :—बोर्ड को शक्तियों और कृत्यों पर प्रतिकूल प्रभाव ढाने बिना प्रब्लेम और उपाध्यक्ष प्रशासनिक निकाय इस स्कीम के प्रशासन के लिये और विशिष्टतया निम्नलिखित के लिये उत्तरदार्इ होंगे—

(क) सूचीकृत नियोजकों की सूची रखना, उसका समायोजन करना और उससे बनाये रखना, उसमें किसी सूचीकृत नियोजक का नाम प्रविष्ट करना; प्रविष्ट करना और जहां परिस्थितियों इस प्रकार अपेक्षित करती हैं, सूची के किसी सूचीकृत नियोजक का नाम या तो उसके अपने अनुरोध पर या इस स्कीम के उपबन्धों के अनुसार हटाना;

(ख) सूचीकृत कर्मकारों को, समय समय पर, ऐसी सूचियों, रसिटरों या प्रभिलेक्टों को, जो भावशक्त हो, रखना, समायोजित करना और बनाये रखना जिनमें ऐसे सूचीकृत कर्मकारों की, जो प्रस्तावित रूप से शाक काम के लिये उपलब्ध नहीं हो और जिनकी अनुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की गई है, और अहं परिस्थितियों इस प्रकार अपेक्षित करती हैं, किसी रजिस्टर, सूची या प्रभिलेक्ट से, किसी सूचीकृत कर्मकार का, या तो उसके अपने अनुसार पर या इस स्कीम के उपबन्धों के अनुसार, नाम हटाना;

(ग) उपलब्ध सूचीकृत कर्मकारों का नियोजन और नियन्त्रण जब वे ग्रन्थादा इस स्कीम के अनुसार नियोजित नहीं हों;

(घ) खण्ड 9(क) के अधीन गठित पूलों में ऐसे सूचीकृत कर्मकार का आवंटन, जो सूचीकृत नियोजकों को काम के लिये उपलब्ध हो और इस प्रयोजन के लिये प्रशासनिक निकाय—

(i) नियोजक के लिये अधिकारी के रूप में कार्य करता है, यह समझा जायेगा;

(ii) प्रत्येक पूल में सूचीकृत का पूर्ण रूप से उपयोग करेगा;

(iii) सूचीकृत कर्मकारों के मांग-आड़ों पर वा नियन्त्रण, स्वतंत्रों पर हाजिरी का प्रभिलेक्ट रखेगा;

(iv) नियोजन और अर्जनों के प्रभिलेक्टों को बनाये रखने के लिये अवस्था करेगा;

(v) खण्ड 9क के उपबन्ध 3ब के अनुसार सूचीकृत कर्मकारों का आवंटन करेगा;

(vi) पूल में सूचीकृत कर्मकारों को हाजिरी और मनहारी काढ़ों में भावशक्त प्रविष्टियां करेगा;

(ज) (i) उद्घारणों, प्रशासनिक और अन्य प्रभारों, सूचीकृत कर्मकार कल्याण निधि को भविदाय का संग्रहण;

(ii) भविष्य निधि, बीमा निधि या किसी अन्य निधि में, जो इस स्कीम के अधीन गठित की जाये, सूचीकृत कर्मकारों के भविदाय का संग्रहण;

(iii) सूचीकृत नियोजक के अधिकारी के रूप में प्रत्येक सूचीकृत कर्मकार को नियोजक से कर्मकार को उचित रूप से बाध्य सभी अर्जनों का संदाय और स्कीम के उपबन्धों के अनुसार इन कर्मकारों को बोर्ड द्वारा संदर्भ सभी धन का ऐसे कर्मकारों को संदाय;

(ज) बजट अवस्था के अधीन रहते हुए और प्रब्लेम की मंजूरी और अनुमोदन से ऐसे अधिकारियों द्वारा सेवकों की नियुक्ति करना जो वह समय समय पर भावशक्त हो;

(ज) कर्मकारों के प्रशिक्षण के लिये अवस्था करना, जो वह भावशक्त समझें;

(ज) इस स्कीम के प्रबन्धन की लागत और उसके अधीन सभी प्राप्तियों और व्यय के उचित लेखों को रखना और “बोर्ड की वार्षिक रिपोर्ट और संपरिचित तृतीनपक्ष बनाना” और उन्हें बोर्ड के समझ प्रस्तुत करना।

(ज) प्रति वर्ष बजट बनाना, प्रत्येक वर्ष फरवरी की 16 तारीख को या उसके पूर्व उसे बोर्ड के समझ प्रस्तुत करना और बोर्ड से उसका अनुमोदन लेना;

(ज) अनुसूची के अन्वयन आने वाले सूचीकृत कर्मकारों के पूर्ण सेवामिलेक्टों को रखना; और

(ज) ऐसे अन्य कृत्य करना, जो समय समय पर और इस स्कीम के उपबन्धों के अधीन रहते हुए, बोर्ड, प्रब्लेम या उपाध्यक्ष द्वारा उसे सौंपे जायें।"

६८. वार्षिक प्राकलनः—भव्यक, प्रत्येक वर्ष में करवारे की समाप्ति से पूर्व हुए किसी विशेष अधिकारीन में, बोर्ड के समझ अथवा ८ वर्ष के अधीन अगले ग्रैल के प्रथम दिन को प्रारम्भ होने वाले वर्ष के लिए ऐसे व्यारों और प्रकार में प्रशासनिक निकाय से यथा प्राप्त वार्षिक बजट को रखेगा, जिसे बोर्ड समय समय पर विहित करे। बोर्ड इस प्रकार उसे प्रस्तुत प्राकलन पर विचार करेगा और उसके प्रस्तुत करने के ५ मप्ताहों के भीतर, उसे या तो विना परिवर्तन के या ऐसे परिवर्तनों के अधीन रहते हुये, जो वह ठीक समझे, [मंजूरी देगा।]

६. खण्ड ८-ग में, निम्नलिखित को, अन्त में ओड़ा जायेगा, अधार्तः—
“और विषिष्टाया खण्ड १४ के अधीन उसमें विहित छात्रों को किया-वित करेगा।”

७. खण्ड ४ में, उपखण्ड (५) के पश्चात्, निम्नलिखित उपखण्ड अन्तःस्थापित किये जायेंगे, अधार्तः—

“(६) इस स्त्रीम के किसी अन्य उपखण्ड के होते हुये भी, अधिकारीन बोर्ड ऐसे सूचीकृत नियोजक का नाम हटाने के लिये निवेदन से सकेगा, जिसने लगातार २ वर्ष तक कोई काम रहीं किया है;

परन्तु ऐसा निवेदन देने के पूर्व, बोर्ड नियोजक को प्रस्तावित निवेदन क्षमों में जारी किया जाये इसका हेतुक विवित करने का अवसर देगा।

(७) इस खण्ड में किसी बात के होते हुये भी, निम्नलिखित अवित्त वर्ष इस स्त्रीम के अधीन, नियोजकों के रूप में, सूचीकृत किये जाने के लिये पाल नहीं होंगे, अधार्तः—

- (क) ऐसे व्यक्ति, जो भारत के नागरिक नहीं हैं;
- (ख) ऐसी फर्में, जिनका एक या अधिक भागीदार भारत का/के नागरिक नहीं हैं/है;
- (ग) ऐसी कमनियां, जिनकी अंश-भारकों (सेपर-होल्डरों) की वहुसंभ्या भारत के नागरिक नहीं है।”

८. खण्ड ४क में, उपखण्ड (२) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जायेगा, अधार्तः—

- (३) (क) कर्मकार पारी में काम पर लगाये जायेंगे;
- (ख) कोई कर्मकार, मासूली तीर पर दो अनुक्रमिक दिनों में प्रत्येक दिन दो क्रमबद्ध पारियों में काम पर नहीं लगाया जायेगा; किसी भी मासमें, किसी कर्मकार को तीन लगातार पारियों में काम पर नहीं लगाया जायेगा;
- (ग) पूल का कोई कर्मकार, किसी सप्ताह में ४ पारियों से अधिक के लिये काम पर नहीं लगाया जायेगा;
- (घ) विशेष परिस्थितियों में, अध्यक्ष, मद (ग) के अधीन विवेदन प्राप्तव्यक विस्तार तक प्रस्तावित रूप से लिखित कर सकेगा;
- (इ) किसी एक दिन में एक से अधिक पारियों में काम करने वाले कर्मकार, प्रत्येक पारी में काम के लिये मण्डूरियों की प्रसामान्य दर के हक्कार होंगे;

(ज) जहाँ, किसी टोली (गेंग) द्वारा काम किया जाता है, वहाँ कर्मकारों का चक्रानुक्रम के अनुसार प्रावंडल टोली (गेंग) द्वारा होगा।”

९. खण्ड १० के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अधार्तः—

“१०. स्वास्थ्य परीक्षा:—(१) सूचीकृत करने के पूर्व, प्रशासनिक निकाय के वर्षें पर, जारीरिक योग्यता के लिये घव्यक्ष द्वारा इस प्रयोजन के लिये नामनिर्दिष्ट किसी चिकित्सा अधिकारी द्वारा किसी नये कर्मकार की स्वास्थ्य परीक्षा की जायेगी। चिकित्सा अधिकारी द्वारा स्वास्थ्य की दृष्टि से अयोग्य पाला गया कोई कर्मकार, अध्यक्ष को लिखित में आवेदन कर सकेगा और साथ ही साथ उसके पास ऐसी फीसें जमा कर सकेगा जो समय समय पर इस निमित्त चिकित्सा बोर्ड द्वारा परीक्षा के लिये नियत की जाए। ऐसे किसी अनुरोध की प्राप्ति पर अध्यक्ष एक चिकित्सा बोर्ड गठित करेगा। चिकित्सा बोर्ड का विनियोग प्रतिस्तम होगा। और कोई कर्मकार, जो स्वास्थ्य की दृष्टि से अयोग्य है, सूचीकृत होने का हक्कार महीं होगा।

(२) यदि प्रशासनिक निकाय यह आवश्यक समझता हो तो, किसी कर्मकार को प्रशासनिक निकाय के वर्षें पर अध्यक्ष द्वारा गठित किये जाने वाले किसी चिकित्सा बोर्ड द्वारा, स्वास्थ्य परीक्षा की जायेगी, परीक्षा बोर्ड का विनियोग प्रतिस्तम होगा। यदि कोई कर्मकार चिकित्सा बोर्ड द्वारा अयोग्य पाला गया हो तो, अध्यक्ष तत्काल उसकी सेवाएं समाप्त करेगा।”

१०. खण्ड १० के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किये जायेगा, अधार्तः—“१०अ. सूचीकृत दाक कर्मकार जापान-सिध्धि:—

सूचीकृत कर्मकारों के लिये सुख-सुविधाओं, कल्याण, स्वास्थ्य उपायों और आमोद-प्रसोद सम्बन्धी सुविधाओं का वर्षां सूचीकृत कर्मकार, कल्याण निधि कहे जाने वाले लिसी पृष्ठक निधि से किया जायेगा, जो बोर्ड द्वारा जनाये रखा जायेगा। इस निधि में अभियाय सभी सूचीकृत नियोजकों द्वारा, ऐसी दरों पर किये जायेंगे जैसा बोर्ड अवधारित करे। बोर्ड, निधि में अभियाय के लिये, उसको बनाये रखने और उसके प्रबलन के लिये नियम बनायेगा।”

११. खण्ड ११ में, (i) उपखण्ड (२) के स्थान पर, निम्नलिखित उपखण्ड प्रतिस्थापित किया जायेगा, अधार्तः—

“(२) प्रत्येक सूचीकृत नियोजक बोर्ड की ऐसे उपर्युक्तों द्वारा प्रशासनिक प्रभारों का संबंध करेगा, जो खण्ड ४(क) (ख) के अधीन समय समय पर बोर्ड द्वारा नियत किये जायेंगे।

(ii) उपखण्ड (५) के स्थान पर, निम्नलिखित उपखण्ड प्रतिस्थापित किया जायेगा, अधार्तः—

“(५) सूचीकृत नियोजक प्रशासनिक निकाय को, ऐसी रीति में, और ऐसे समयों पर, जैसा अध्यक्ष निवेदन के, उद्घास्तों, प्रशासनिक प्रभारों और उपखण्ड (२) के अधीन अन्य प्रभारों, और सूचीकृत दाक कर्मकारों को जोख्य सकल मण्डूरियों का संबंध करेगा।”

(iii) उपखण्ड (७) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जायेगा, अधार्तः—

“(८) सूचीकृत नियोजक, मांग पर, प्रशासनिक निकाय को निषेप के रूप में संबंध करेगा या उपखण्ड (२) और (५) में निविष्ट

रकम के सम्बन्धी संदाय के लिये ऐसी ग्रन्थ प्रतिशूलि की व्यवस्था करेगा, जो बोर्ड प्राविष्ट्यक समझे।

प्रध्यक्ष द्वारा नियत समय के भीतर ऐसे निषेप न करने वा उसके प्रध्यक्ष या उपप्रध्यक्ष द्वारा अनुशासन समय के भीतर सूति न करने का परिणाम संबंध नियोजक को अधिक को आपूर्ति बन्द करने में होगा।

(9) कोई सूचीकृत नियोजक जो प्रशासनिक निकाय या बोर्ड को इस स्कीम के प्रधीन संदेश उद्देश्यों वा ग्रन्थ प्रभारों को बकाया में है, बोर्ड द्वारा किसी न्यायालय में कार्रवाही का दाइंह होगा।"

12. खण्ड 11 के स्वानन पर निम्नलिखित खण्ड प्रतिस्पष्टियां किया जावेगा, प्रथमतः—“11क. सूचीकृत कर्मकारों की आपूर्ति का नियन्त्रणः—

यदि कोई सूचीकृत नियोजक, खण्ड 11 के उपखण्ड (2) वा उपखण्ड (5) के प्रधीन उससे शोध्य संदाय का या किसी ग्रन्थ हैसियत या लेखा मद्दे बोर्ड को शोध्य और ऐसे अन्य रकम का भुगतान ऐसे समय के भीतर, जो प्रशासनिक निकाय, प्रध्यक्ष, उपप्रध्यक्ष, बोर्ड द्वारा विहित किया जाये, करने में असफल रहता है, तो प्रशासनिक निकाय उस नियोजक को इस ग्रावय

की सूची तामोल करेगा कि जब तक वह सूचीना की प्राप्ति की तारीख से 3 दिन के भीतर ग्रन्थी शोध्य रकम का भुगतान नहीं कर देता, जब तक उसे कोई जाने वाली सूचीकृत कर्मकारों की आपूर्ति नियमित कर दी जायेगी। सूचीना कालाघण्ठ के अवसान पर, प्रशासनिक निकाय अवित्त कर्मों को नियोजक, सूचीकृत कर्मकारों को आपूर्ति, तब तक के लिये नियमित कर देगा, जब तक वह शोध्य रकम का भुगतान नहीं कर देता।”

11क. सूचीकृत कर्मकारों की आपूर्ति के नियन्त्रण के वरिष्ठात्मक उपरोक्त खण्ड 11-क के प्रनुसार जब कभी सूचीकृत कर्मकारों की आपूर्ति का नियन्त्रण किया जाता है, संबंध कर्मकारों के बारे में उससे उद्घृत वित्तीय वायित्व सम्बन्ध अवित्तकर्मों नियोजक का नियोजनों के भद्रे होगा। इस वायित्व के भद्रे प्रशासनिक निकाय या बोर्ड को शोध्य रकम, सम्बन्ध नियोजक या नियोजकों से उसी रीति में वसूलीय होती, जैसा इस स्कीम के प्रधीन संवय अस्ति शोध्य रकम और प्रभार है।”

[सं॰ 59/1/70 पी॰ गोरुडी]
वी॰ शंकररामगम, प्रबन्ध नियम

